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BILL 98

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

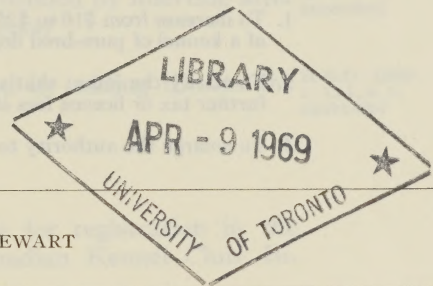
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BILL 98

1968-69

An Act to amend The Dog Tax and Live Stock
and Poultry Protection Act

**An Act to amend
The Dog Tax and Live Stock and Poultry Protection Act**



MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of the Bill is:

1. To increase from \$10 to \$25 the annual tax payable by the owner of a kennel of pure-bred dogs.
2. To clarify the intent that such owner is not required to pay any further tax or licence fees in respect of such dogs.
3. To enlarge the authority to make regulations.

BILL 98

1968-69

An Act to amend The Dog Tax and Live Stock and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Dog Tax and Live Stock and Poultry Protection Act* is amended by inserting after “Agriculture” in the first line “and Food”. R.S.O. 1960,
c. 111, s. 1,
cl. *b*,
amended

(2) The said section 1 is amended by adding thereto the following clauses: R.S.O. 1960,
c. 111, s. 1,
amended

(*d*) “pure-bred” means,

(i) registered or eligible for registration in the register of The Canadian Kennel Club, Incorporated, or

(ii) of a class designated as pure-bred in the regulations;

(*e*) “regulations” means the regulations made under this Act.

2. Subsection 5 of section 2 of *The Dog Tax and Live Stock and Poultry Protection Act* is repealed. R.S.O. 1960,
c. 111, s. 2,
subs. 5,
repealed

3. *The Dog Tax and Live Stock and Poultry Protection Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 111,
amended

5a. The owner of a kennel of dogs that are pure-bred shall pay an annual tax of \$25 to the treasurer of the municipality as a tax upon the kennel, and he is not liable to pay in respect of such pure-bred dogs any tax under section 2 or any licence fee under a by-law passed pursuant to section 5. Tax on
kennel of
pure-bred
dogs

.

- Regulations 8a. The Lieutenant Governor in Council may make regulations designating as pure-bred any class or classes of dogs.
- Commence-
ment 4. This Act shall be deemed to have come into force on the 1st day of January, 1969.
- Short title 5. This Act may be cited as *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1968-69*.

An Act to amend
The Dog Tax and Live Stock
and Poultry Protection Act

1st Reading

March 20th, 1969

2nd Reading

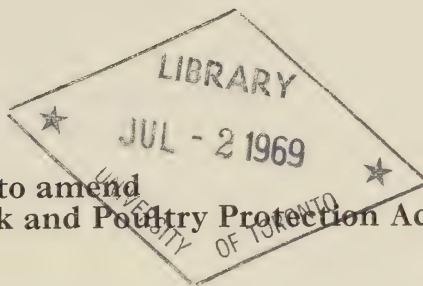
3rd Reading

MR. STEWART

BILL 98

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend
The Dog Tax and Live Stock and Poultry Protection Act



MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 98

1968-69

An Act to amend The Dog Tax and Live Stock and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Dog Tax and Live Stock and Poultry Protection Act* is amended by inserting after “Agriculture” in the first line “and Food”. R.S.O. 1960,
c. 111, s. 1,
cl. *b*,
amended

(2) The said section 1 is amended by adding thereto the following clauses: R.S.O. 1960,
c. 111, s. 1,
amended

(*d*) “pure-bred” means,

(i) registered or eligible for registration in the register of The Canadian Kennel Club, Incorporated, or

(ii) of a class designated as pure-bred in the regulations;

(*e*) “regulations” means the regulations made under this Act.

2. Subsection 5 of section 2 of *The Dog Tax and Live Stock and Poultry Protection Act* is repealed. R.S.O. 1960,
c. 111, s. 2,
subs. 5,
repealed

3. *The Dog Tax and Live Stock and Poultry Protection Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 111,
amended

5a. The owner of a kennel of dogs that are pure-bred shall pay an annual tax of \$25 to the treasurer of the municipality as a tax upon the kennel, and he is not liable to pay in respect of such pure-bred dogs any tax under section 2 or any licence fee under a by-law passed pursuant to section 5. Tax on
kennel of
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- Regulations 8a. The Lieutenant Governor in Council may make regulations designating as pure-bred any class or classes of dogs.
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- Short title 5. This Act may be cited as *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1968-69.*

An Act to amend
The Dog Tax and Live Stock
and Poultry Protection Act

1st Reading

March 20th, 1969

2nd Reading

April 28th, 1969

3rd Reading

June 6th, 1969

MR. STEWART

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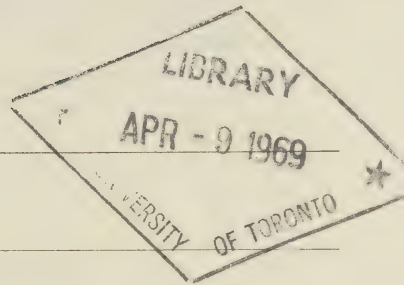
Publication

BILL 99

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The St. Lawrence Parks Commission Act

MR. AULD



EXPLANATORY NOTES

SECTION 1. The amendment permits the transfer of jurisdiction to the Commission of roads now under the jurisdiction of the Department of Highways and provides for the division of responsibility where a road is assumed by agreement with a municipality or the Department of Highways.

BILL 99

1968-69

**An Act to amend
The St. Lawrence Parks Commission Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The St. Lawrence Parks Commission Act* R.S.O. 1960,
c. 279, s. 9,
re-enacted is repealed and the following substituted therefor:

9.—(1) Notwithstanding any general or special Act, ^{Highways} the Lieutenant Governor in Council may from time to time vest any highway,

(a) under the jurisdiction and control of the Department of Highways; or

(b) under the jurisdiction of a municipality,

in the Commission and thereafter the Commission has exclusive jurisdiction over the highway.

(2) The Commission and the Minister of Highways or ^{Agreements} the Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof.

(3) Where by an agreement made under subsection 2, ^{Liability}

(a) the Minister of Highways undertakes to maintain and repair a highway, section 33 of *The Highway Improvement Act* R.S.O. 1960,
c. 171 applies in respect of the highway; and

R.S.O. 1960,
c. 249

- (b) a municipality undertakes to maintain and repair a highway, section 443 of *The Municipal Act* applies in respect of the highway,

and no action arising out of the duty to maintain and repair the highway lies against the Commission.

Indemnity

- (4) Where the Crown or a municipal corporation is liable for damages sustained by any person by reason of failure to maintain or repair a highway under the jurisdiction of the Commission, the Commission shall indemnify the Crown or the municipal corporation, as the case may be, for all damages and costs incurred in respect of such liability.

Application
of
R.S.O. 1960,
c. 172;
1968, c. 75

- (5) *The Highway Traffic Act* and *The Motorized Snow Vehicles Act, 1968* and the regulations made thereunder, apply to any highway or portion thereof under the jurisdiction of the Commission and designated under subsection 1 of section 10 as if such highway or portion thereof is the King's Highway.

R.S.O. 1960,
c. 279, s. 10,
subs. 2,
re-enacted

2. Subsection 2 of section 10 of *The St. Lawrence Parks Commission Act* is repealed and the following substituted therefor:

Application
of
R.S.O. 1960,
c. 171, s. 38

- (2) Section 38 of *The Highway Improvement Act* applies *mutatis mutandis* to any portion of any of the highways, roads, boulevards or parkways designated under subsection 1 and for such purpose any reference in the said section 38 to Minister or Department shall be deemed to be a reference to the Commission.

R.S.O. 1960,
c. 279,
amended

3. *The St. Lawrence Parks Commission Act* is amended by adding thereto the following section:

Scenic
areas

- 10a.—(1) The Lieutenant Governor in Council may by regulation designate as a scenic area such land in the vicinity of any highway designated under subsection 1 of section 10 as is specified in the regulation.

Restricted
areas

- (2) Subject to the approval of the Lieutenant Governor in Council, the Commission may, in respect of land within a scenic area, by regulation, exercise any of the powers conferred upon councils of municipalities by section 30 of *The Planning Act* without the approval of the Ontario Municipal Board.

R.S.O. 1960,
c. 296

Conflict of
regulations
and by-laws

- (3) In the event of conflict between a regulation made under subsection 2 by the Commission and a by-law passed under section 30 of *The Planning Act*, or a

SECTION 2. The amendment adopts the same controls over a controlled access highway of the Commission as apply to those of the Department of Highways.

SECTION 3. The new provision empowers the Commission to exercise similar controls over land adjoining its controlled access roads as a county may exercise in respect of county roads under section 64 of *The Highway Improvement Act*.

SECTION 4. The new provision permits the Commission to close roads and removes its liability for non-repair of roads in its jurisdiction, other than controlled access roads.

SECTION 5—Subsection 1. Complementary to section 3 of the Bill.

Subsection 2. The amendment would permit different regulations for different parts of the Parks.

predecessor thereof, by the municipality in which the land is situate, the regulation made by the Commission prevails to the extent of such conflict, but in all other respects the by-law passed by the municipality remains in full force and effect.

4. *The St. Lawrence Parks Commission Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 279,
amended

11a. No civil action shall be brought against the Crown, the Commission or any of the servants or agents of the Crown including a minister of the Crown or any member, officer or employee of the Commission in respect of misfeasance, nonfeasance or negligence in connection with the construction, maintenance, repair or closing of a road under the jurisdiction of the Commission other than a highway designated under subsection 1 of section 10, but this section does not apply to an action based on contract between the parties to the action for the construction, maintenance or use of such road. Roads
other than
controlled
access roads

5.—(1) Clause *f* of subsection 1 of section 17 of *The St. Lawrence Parks Commission Act* is amended by striking out “or within one-quarter mile of any part thereof”, in the fourth line, so that the clause shall read as follows: R.S.O. 1960,
c. 279, s. 17,
subs. 1, cl. *f*,
amended

(*f*) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks.

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 279, s. 17,
amended

(1a) Any regulation made under subsection 1 may be general or particular in its application. Idem

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. This Act may be cited as *The St. Lawrence Parks Commission Amendment Act, 1968-69*. Short title

An Act to amend
The St. Lawrence Parks Commission Act

1st Reading

March 20th, 1969

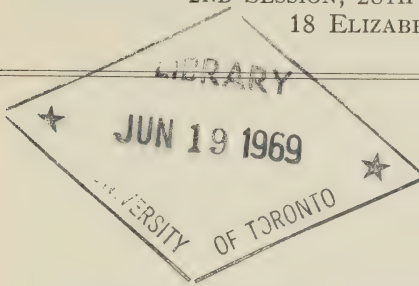
2nd Reading

3rd Reading

MR. AULD

BILL 99

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The St. Lawrence Parks Commission Act

MR. AULD

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendment permits the transfer of jurisdiction to the Commission of roads now under the jurisdiction of the Department of Highways and provides for the division of responsibility where a road is assumed by agreement with a municipality or the Department of Highways.

BILL 99

1968-69

**An Act to amend
The St. Lawrence Parks Commission Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The St. Lawrence Parks Commission Act* R.S.O. 1960, c. 279, s. 9, re-enacted is repealed and the following substituted therefor:

9.—(1) Notwithstanding any general or special Act, ^{Highways} the Lieutenant Governor in Council may from time to time vest any highway,

(a) under the jurisdiction and control of the Department of Highways; or

(b) under the jurisdiction of a municipality,

in the Commission and thereafter the Commission has exclusive jurisdiction over the highway.

(2) The Commission and the Minister of Highways or ^{Agreements} the Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof.

(3) Where by an agreement made under subsection 2, ^{Liability}

(a) the Minister of Highways undertakes to maintain and repair a highway, section 33 of *The Highway Improvement Act* R.S.O. 1960, c. 171 applies in respect of the highway; and

R.S.O. 1960,
c. 249

- (b) a municipality undertakes to maintain and repair a highway, section 443 of *The Municipal Act* applies in respect of the highway,

and no action arising out of the duty to maintain and repair the highway lies against the Commission.

Indemnity

- (4) Where the Crown or a municipal corporation is liable for damages sustained by any person by reason of failure to maintain or repair a highway under the jurisdiction of the Commission, the Commission shall indemnify the Crown or the municipal corporation, as the case may be, for all damages and costs incurred in respect of such liability.

Application
of
R.S.O. 1960,
c. 172;
1968, c. 75

- (5) *The Highway Traffic Act* and *The Motorized Snow Vehicles Act, 1968* and the regulations made thereunder, apply to any highway or portion thereof under the jurisdiction of the Commission and designated under subsection 1 of section 10 as if such highway or portion thereof is the King's Highway.

R.S.O. 1960,
c. 279, s. 10,
subs. 2,
re-enacted

- 2.** Subsection 2 of section 10 of *The St. Lawrence Parks Commission Act* is repealed and the following substituted therefor:

Application
of
R.S.O. 1960,
c. 171, s. 38

- (2) Section 38 of *The Highway Improvement Act* applies *mutatis mutandis* to any portion of any of the highways, roads, boulevards or parkways designated under subsection 1 and for such purpose any reference in the said section 38 to Minister or Department shall be deemed to be a reference to the Commission.

R.S.O. 1960,
c. 279,
amended

- 3.** *The St. Lawrence Parks Commission Act* is amended by adding thereto the following section:

Scenic
areas

- 10a.—(1) The Lieutenant Governor in Council may by regulation designate as a scenic area such land in the vicinity of any highway designated under subsection 1 of section 10 as is specified in the regulation.

Restricted
areas

- (2) Subject to the approval of the Lieutenant Governor in Council, the Commission may, in respect of land within a scenic area, by regulation, exercise any of the powers conferred upon councils of municipalities by section 30 of *The Planning Act* without the approval of the Ontario Municipal Board.

R.S.O. 1960,
c. 296

Conflict of
regulations
and by-laws

- (3) In the event of conflict between a regulation made under subsection 2 by the Commission and a by-law passed under section 30 of *The Planning Act*, or a

SECTION 2. The amendment adopts the same controls over a controlled access highway of the Commission as apply to those of the Department of Highways.

SECTION 3. The new provision empowers the Commission to exercise similar controls over land adjoining its controlled access roads as a county may exercise in respect of county roads under section 64 of *The Highway Improvement Act*.

SECTION 4—Subsection 1. Complementary to section 3 of the Bill.

Subsection 2. The amendment would permit different regulations for different parts of the Parks.

predecessor thereof, by the municipality in which the land is situate, the regulation made by the Commission prevails to the extent of such conflict, but in all other respects the by-law passed by the municipality remains in full force and effect.

4.—(1) Clause *f* of subsection 1 of section 17 of *The St. Lawrence Parks Commission Act* is amended by striking out “or within one-quarter mile of any part thereof”, in the fourth line, so that the clause shall read as follows: R.S.O. 1960.
c. 279, s. 17,
subs. 1, cl. *f*.
amended

(*f*) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks.

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960.
c. 279, s. 17.
amended

(1*a*) Any regulation made under subsection 1 may be general or particular in its application. Idem

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The St. Lawrence Parks Commission Amendment Act, 1968-69*. Short title

An Act to amend
The St. Lawrence Parks Commission Act

1st Reading

March 20th, 1969

2nd Reading

March 31st, 1969

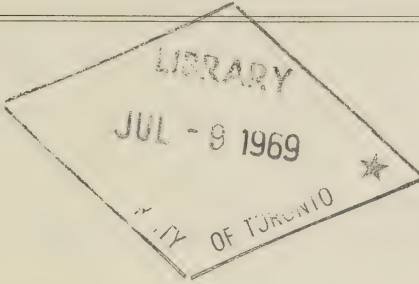
3rd Reading

MR. AULD

(Reprinted as amended by
the Committee of the Whole House)

BILL 99

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The St. Lawrence Parks Commission Act

Mr. AULD

BILL 99

1968-69

An Act to amend The St. Lawrence Parks Commission Act

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1. Section 9 of *The St. Lawrence Parks Commission Act* <sup>R.S.O. 1960,
c. 279, s. 9,
re-enacted</sup> is repealed and the following substituted therefor:

9.—(1) Notwithstanding any general or special Act, ^{Highways} the Lieutenant Governor in Council may from time to time vest any highway,

(a) under the jurisdiction and control of the Department of Highways; or

(b) under the jurisdiction of a municipality,

in the Commission and thereafter the Commission has exclusive jurisdiction over the highway.

(2) The Commission and the Minister of Highways or ^{Agreements} the Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof.

(3) Where by an agreement made under subsection 2, ^{Liability}

(a) the Minister of Highways undertakes to maintain and repair a highway, section 33 of *The Highway Improvement Act* <sup>R.S.O. 1960,
c. 171</sup> applies in respect of the highway; and

R.S.O. 1960,
c. 249

- (b) a municipality undertakes to maintain and repair a highway, section 443 of *The Municipal Act* applies in respect of the highway,

and no action arising out of the duty to maintain and repair the highway lies against the Commission.

Indemnity

- (4) Where the Crown or a municipal corporation is liable for damages sustained by any person by reason of failure to maintain or repair a highway under the jurisdiction of the Commission, the Commission shall indemnify the Crown or the municipal corporation, as the case may be, for all damages and costs incurred in respect of such liability.

Application
of
R.S.O. 1960,
c. 172;
1968, c. 75

- (5) *The Highway Traffic Act* and *The Motorized Snow Vehicles Act, 1968* and the regulations made thereunder, apply to any highway or portion thereof under the jurisdiction of the Commission and designated under subsection 1 of section 10 as if such highway or portion thereof is the King's Highway.

R.S.O. 1960,
c. 279, s. 10,
subs. 2,
re-enacted

- 2.** Subsection 2 of section 10 of *The St. Lawrence Parks Commission Act* is repealed and the following substituted therefor:

Application
of
R.S.O. 1960,
c. 171, s. 38

- (2) Section 38 of *The Highway Improvement Act* applies *mutatis mutandis* to any portion of any of the highways, roads, boulevards or parkways designated under subsection 1 and for such purpose any reference in the said section 38 to Minister or Department shall be deemed to be a reference to the Commission.

R.S.O. 1960,
c. 279,
amended

- 3.** *The St. Lawrence Parks Commission Act* is amended by adding thereto the following section:

Scenic
areas

- 10a.—(1) The Lieutenant Governor in Council may by regulation designate as a scenic area such land in the vicinity of any highway designated under subsection 1 of section 10 as is specified in the regulation.

Restricted
areas

- (2) Subject to the approval of the Lieutenant Governor in Council, the Commission may, in respect of land within a scenic area, by regulation, exercise any of the powers conferred upon councils of municipalities by section 30 of *The Planning Act* without the approval of the Ontario Municipal Board.

R.S.O. 1960,
c. 296

Conflict of
regulations
and by-laws

- (3) In the event of conflict between a regulation made under subsection 2 by the Commission and a by-law passed under section 30 of *The Planning Act*, or a

predecessor thereof, by the municipality in which the land is situate, the regulation made by the Commission prevails to the extent of such conflict, but in all other respects the by-law passed by the municipality remains in full force and effect.

4.—(1) Clause *f* of subsection 1 of section 17 of *The St. Lawrence Parks Commission Act* is amended by striking out “or within one-quarter mile of any part thereof”, in the fourth line, so that the clause shall read as follows: R.S.O. 1960.
c. 279, s. 17,
subs. 1, cl. *f*.
amended

(*f*) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks.

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960.
c. 279, s. 17,
amended

(1*a*) Any regulation made under subsection 1 may be *Idem* general or particular in its application.

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. This Act may be cited as *The St. Lawrence Parks Commission Amendment Act, 1968-69*. Short title

An Act to amend
The St. Lawrence Parks Commission Act

1st Reading

March 20th, 1969

2nd Reading

March 31st, 1969

3rd Reading

June 6th, 1969

MR. AULD

BILL 100

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Coroners Act

MR. SHULMAN

EXPLANATORY NOTE

The amendment provides that the jurisdiction of a coroner extends throughout Ontario and that where a coroner's appointment is revoked by the Lieutenant Governor in Council he is entitled to a hearing before the Public Service Grievance Board.

BILL 100

1968-69

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Coroners Act*, as re-enacted by subsection 1 of section 1 of *The Coroners Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960 c. 69, s. 1 (1966, c. 27, s. 1, subs. 1), re-enacted

(1) The Lieutenant Governor in Council may appoint such coroners as he deems necessary who, subject to subsections 2, 3 and 4, shall hold office during pleasure. Appointment of coroners

(2) The said section 1 is amended by adding thereto the following subsections: R.S.O. 1960, c. 69, s. 1 (1966, c. 27, s. 1, subs. 1), amended

(4) Where the appointment of a coroner is revoked by the Lieutenant Governor in Council, the grievance procedure established by regulations made under *The Public Service Act, 1961-62* applies to the coroner as though he were a person employed in the public service, and the revocation of his appointment does not become final, Grievance procedure 1961-62, c. 121

(a) until the time limited for delivering an application for a hearing to the Public Service Grievance Board has expired; or

(b) where an application to the Public Service Grievance Board is delivered, until the report of the Board has been considered by the Lieutenant Governor in Council.

(5) Every coroner has jurisdiction throughout Ontario. Jurisdiction

(3) Subsection 5 of section 1 of *The Coroners Act*, as enacted by subsection 2, applies to every coroner holding office on the day this Act comes into force. Application

R.S.O. 1960,
c. 69, s. 3,
subs. 1,
amended

2. Subsection 1 of section 3 of *The Coroners Act* is amended by striking out "for" in the fourth line and inserting in lieu thereof "residing in", so that the subsection shall read as follows:

Chief
coroners,
appoint-
ment

- (1) The Lieutenant Governor in Council may appoint a coroner, to be known as chief coroner, for any city having a population of more than 100,000, who shall have control over the coroners residing in the city and who shall have such other powers and perform such other duties as the regulations prescribe.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Coroners Amendment Act, 1968-69*.

An Act to amend The Coroners Act

1st Reading

March 20th, 1969

2nd Reading

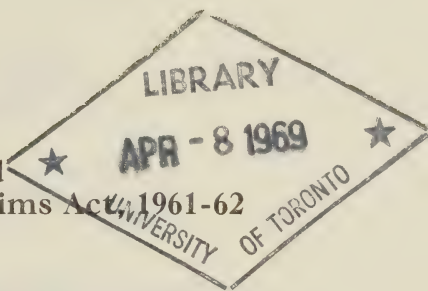
3rd Reading

MR. SHULMAN

BILL 101

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend
The Motor Vehicle Accident Claims Act, 1961-62



MR. HASKETT

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. Subsection 5 authorizes the Minister to defend an action in the name of a deceased person and to assert a counterclaim on behalf of the estate of a deceased person.

SECTION 2. The amendments will permit payments out of the Fund up to a total amount of \$50,000 for damages occasioned in Ontario by any one uninsured motor vehicle arising out of any one accident.

BILL 101

1968-69

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Motor Vehicle Accident Claims Act*, 1961-62, c. 84, s. 7, as amended by section 5 of *The Motor Vehicle Accident Claims Amendment Act*, 1964 and section 1 of *The Motor Vehicle Accident Claims Amendment Act*, 1968, is further amended by adding thereto the following subsection:

- (5) Where a deceased person, if living, would be the defendant or the defendant in the action dies and the personal representative, if any, of the deceased person does not defend the action and no administrator *ad litem* is appointed, the Minister may exercise the rights and take the action referred to in subsection 2 in the name of the deceased and may assert a counterclaim on behalf of the estate of the deceased. Deceased
defendant

2.—(1) Subsection 1 of section 22 of *The Motor Vehicle Accident Claims Act*, 1961-62 is repealed and the following substituted therefor: 1961-62,
c. 84, s. 22,
subs. 1,
re-enacted

- (1) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of \$50,000 exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any Limits
payable
from Fund

claims arising out of any bodily injury or death to the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

Idem

- (1a) In respect of applications under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and before the 1st day of September, 1969, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons, death of one or more persons, loss of property and damage to property arising out of any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, the claims arising out of such loss of or damage to property have priority over claims arising out of such bodily injury or death to the extent of \$5,000, and in any event the Minister shall not pay out of the Fund more than a total amount of \$5,000 in respect of all claims arising out of loss of or damage to property in any one accident.

1961-62,
c. 84, s. 22,
subs. 4,
amended

- (2) Subsection 4 of the said section 22 is amended by striking out clause *a*, by relettering clause *b* as clause *c*, by relettering clause *c* as clause *d* and by adding thereto the following clauses:

- (a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, more than \$50,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or
- (b) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and before the 1st day of September, 1969, more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons arising out of any one accident; or
-

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 2 comes into force on the 1st day of September, 1969. ^{Idem}

4. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1968-69*. ^{Short title}

An Act to amend The Motor Vehicle
Accident Claims Act, 1961-62

1st Reading

March 24th, 1969

2nd Reading

3rd Reading

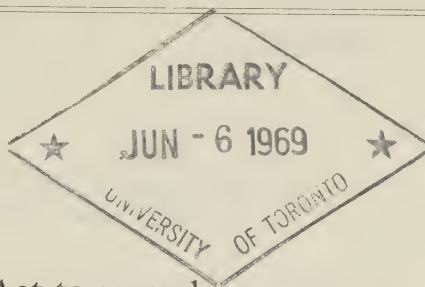
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Publication

BILL 101

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend
The Motor Vehicle Accident Claims Act, 1961-62

MR. HASKETT

BILL 101

1968-69

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Motor Vehicle Accident Claims Act*, 1961-62, 1961-62, as amended by section 5 of *The Motor Vehicle Accident Claims Amendment Act*, 1964 and section 1 of *The Motor Vehicle Accident Claims Amendment Act*, 1968, is further amended by adding thereto the following subsection:

- (5) Where a deceased person, if living, would be the defendant or the defendant in the action dies and the personal representative, if any, of the deceased person does not defend the action and no administrator *ad litem* is appointed, the Minister may exercise the rights and take the action referred to in subsection 2 in the name of the deceased and may assert a counterclaim on behalf of the estate of the deceased. ^{Deceased defendant}

2.—(1) Subsection 1 of section 22 of *The Motor Vehicle Accident Claims Act*, 1961-62 is repealed and the following ^{1961-62, c. 84, s. 22, subs. 1, re-enacted} substituted therefor:

- (1) In respect of any application under section 5 or 6 ^{Limits payable from Fund} for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of \$50,000 exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any

claims arising out of any bodily injury or death to the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

Idem

- (1a) In respect of applications under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and before the 1st day of September, 1969, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons, death of one or more persons, loss of property and damage to property arising out of any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, the claims arising out of such loss of or damage to property have priority over claims arising out of such bodily injury or death to the extent of \$5,000, and in any event the Minister shall not pay out of the Fund more than a total amount of \$5,000 in respect of all claims arising out of loss of or damage to property in any one accident.

1961-62,
c. 84, s. 22,
subs. 4,
amended

- (2) Subsection 4 of the said section 22 is amended by striking out clause *a*, by relettering clause *b* as clause *c*, by relettering clause *c* as clause *d* and by adding thereto the following clauses:

- (a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, more than \$50,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or
- (b) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and before the 1st day of September, 1969, more than the total amount of \$35,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons arising out of any one accident; or

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 2 comes into force on the 1st day of September, ^{Idem} 1969.

4. This Act may be cited as *The Motor Vehicle Accident* ^{Short title}
Claims Amendment Act, 1968-69.

An Act to amend The Motor Vehicle
Accident Claims Act, 1961-62

1st Reading

March 24th, 1969

2nd Reading

April 24th, 1969

3rd Reading

May 9th, 1969

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BILL 102

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Registry Act

MR. WISHART



EXPLANATORY NOTES

SECTION 1. Complementary to section 3 of the Bill.

SECTION 2. The amendment confirms existing practice.

SECTION 3. The amendment authorizes names for registry divisions to be fixed by regulation.

SECTION 4. The duties of the Inspector of Legal Offices relating to the registry system are vested in a new office called the Director of Land Registration.

BILL 102

1968-69

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is amended by adding thereto the following clause: R.S.O. 1960,
c. 348, s. 1
(1966, c. 136,
s. 1),
amended

(aa) "Director" means the Director of Land Registration appointed under section 3.

2. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 348,
amended

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act. Minister of
Justice and
Attorney
General

3. Subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964* and amended by section 1 of *The Registry Amendment Act, 1965*, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* in the amendment of 1965, and by adding thereto the following clause: R.S.O. 1960,
c. 348, s. 4,
subs. 2
(1964, c. 102,
s. 3),
amended

(e) designate the names by which registry divisions shall be known.

4. *The Registry Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 348,
amended

6a.—(1) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Director of Land Registration. Director
of Land
Registration

(2) The Director of Land Registration has general supervision and control over registry offices and the system for registration therein. Duties

- Idem (3) Any reference in this Act to the Inspector or to the Inspector of Legal Offices shall be deemed to be a reference to the Director of Land Registration.
- Seal (4) The Director of Land Registration shall have a seal of office in such form as the Lieutenant Governor in Council approves.
- Assistant Director of Land Registration 6b. The Lieutenant Governor in Council may appoint an Assistant Director of Land Registration, and the person so appointed shall act under the supervision of the Director of Land Registration or shall act as Director in the absence of the Director, and when so acting the Assistant Director of Land Registration has the powers and shall perform the duties of the Director of Land Registration under this or any other Act.
- R.S.O. 1960, c. 348, s. 31 (1966, c. 136, s. 8), subs. 4, amended 5.—(1) Subsection 4 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is amended by striking out “or” at the end of clause *d*, by adding “or” at the end of clause *e* and by adding thereto the following clause:
- 1964, c. 74 (f) to a licence of occupation for the purpose of a pipe line as defined in *The Ontario Energy Board Act, 1964*, if the licence is accompanied by an affidavit of the licensee or his solicitor or, where the licensee is a corporation, an officer of or solicitor for the corporation stating that the land affected by the licence is to be used for that purpose, or to any instrument affecting a registered licence of occupation.
- R.S.O. 1960, c. 348, s. 31 (1966, c. 136, s. 8), amended (2) The said section 31 is amended by adding thereto the following subsections:
- Notice of unregistered interest (6) A notice of an unregistered instrument or of an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act.
- Leases (7) Notwithstanding subsections 2 and 6, a notice of,
- (a) a lease;
 - (b) a sublease;
 - (c) an assignment of a lease;
 - (d) a mortgage of a lease;
 - (e) an assignment of the lessor's interest in a lease; or

SECTION 5—Subsection 1. The amendment permits the registration of licences of occupation of Crown lands in registry divisions for pipe line purposes.

Subsection 2. The amendments permit registration of notice of leases and certain dealings with leases in place of registration of the original, but ensure that other notices resembling memorials of instruments can not be registered.

SECTION 6. The section repealed prescribes the maximum dimensions of instruments for registration. Provision is made in section 14 of the Bill to prescribe the maximums by regulation in the same manner as the minimum dimensions.

SECTION 7. The amendments add instruments executed on behalf of the Government of Canada and certificates of municipal tax credits to those exempted from the requirement to have affidavits of execution.

SECTION 8—Subsection 1. The amendment permits the age of a guarantor on a mortgage to be proved in the same manner as the age of a mortgagor.

Subsection 2. The amendment requires the affidavit of marital status where the female party does not join for the purpose of barring dower.

(f) a determination or surrender of a lease,

may be registered if it complies with the regulations.

6. Section 32 of *The Registry Act*, as re-enacted by section 9 of *The Registry Amendment Act, 1964*, is repealed.

R.S.O. 1960,
c. 348, s. 32,
(1964, c. 102,
s. 9),
repealed

7.—(1) Clause *d* of subsection 1a of section 34 of *The Registry Act*, as enacted by section 11 of *The Registry Amendment Act, 1964*, is amended by adding at the end thereof “or of Canada”, so that the clause shall read as follows:

R.S.O. 1960,
c. 348, s. 34,
subs. 1a
(1964, c. 102,
s. 11), cl. *d*,
amended

(d) an instrument that purports to be executed by an officer of the Government of Ontario or of Canada.

(2) Subsection 1a of the said section 34 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 348, s. 34,
subs. 1a
(1964, c. 102,
s. 11),
amended

(p) a notice or certificate under subsection 5 of section 2 of *The Municipal and School Tax Credit Assistance Act, 1967*.

1967, c. 56

8.—(1) Subsection 2 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out “stating whether he” in the fifth line and inserting in lieu thereof “or by any other person executing the mortgage stating whether such guarantor or surety”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 348, s. 52,
(1966, c. 136,
s. 18,
subs. 1),
subs. 2,
amended

(2) On and after the 1st day of January, 1967, where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person or by any other person executing the mortgage stating whether such guarantor or surety was of the full age of twenty-one years at the time he executed the mortgage.

R.S.O. 1960,
c. 348, s. 52,
(1966, c. 136,
s. 18,
subs. 1),
subs. 5,
re-enacted

(2) Subsection 5 of the said section 52 is repealed and the following substituted therefor:

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing that they were married to one another at the time of execution of the instrument.

Affidavit
as to
marriage

R.S.O. 1960,
c. 348, s. 53,
amended

9. Section 53 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1965* and section 19 of *The Registry Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Additional
exemptions

- (6) The Lieutenant Governor in Council may, by regulation, designate corporations to which this section does not apply, in addition to those set out in subsection 4.

R.S.O. 1960,
c. 348, s. 58a
(1966, c. 136,
s. 24),
re-enacted

10. Section 58a of *The Registry Act*, as enacted by section 24 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Consent
under 1958,
c. 29 (Can.)

- 58a.—(1) An instrument referred to in subsection 6 of section 58 shall not be registered unless the consent under the *Estate Tax Act* (Canada) is registered in the same manner as the consent or general certificate of the Treasurer of Ontario.

Idem

- (2) Subsection 1 applies only,
- (a) where the death of the deceased person occurred after the 31st day of December, 1958; and
- (b) where the instrument referred to in subsection 6 of section 58 is tendered for registration on or after the day on which this section comes into force.

R.S.O. 1960,
c. 348, s. 73,
amended

11. Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966* and section 8 of *The Registry Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Gas and
oil leases

- (9) Where an instrument purporting to surrender a registered gas or oil lease has been registered for ten or more years, the registrar shall, wherever the gas or oil lease and any instrument dealing exclusively with the gas or oil lease appear on any abstract index in his office, draw a line in red ink through all such entries and shall initial the same and the lands described in the lease are validly discharged therefrom.

R.S.O. 1960,
c. 348, s. 80,
amended

12. Section 80 of *The Registry Act*, as amended by section 35 of *The Registry Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Registration
deemed
notice

- (4) The registration of a notice under subsection 7 of section 31 or under section 136 or a declaration

SECTION 9. The amendment authorizes regulations to add further corporations to those exempted from the requirement to have affidavits as to powers in mortmain upon registration.

SECTION 10. The provision added would qualify land in Ontario to be exempted from the provision of the *Estate Tax Act* (Canada) imposing a lien for taxes.

SECTION 11. The amendment requires ruling off of surrendered gas and oil leases in the same manner as discharged mortgages.

SECTION 12. The amendment assures that registration of,

1. notices respecting leases;
2. notices reviving claims of interests for the purposes of Part III;
and
3. declarations describing lands affected by an instrument,

constitutes constructive notice in the same manner as the registration of instruments.

SECTION 13. The provision amended provides for the conditions that may be attached to the withdrawal of a restraining order. Planning boards have been superseded by committees of adjustment with respect to by-laws under section 26 of *The Planning Act* and the reference is amended to agree with the change.

SECTION 14. Complementary to section 6 of the Bill.

SECTION 15. Self-explanatory.

SECTION 16. The amendment exempts deposited plans from the requirement to microfilm in the same manner as registered plans are exempted under section 55 of the Act.

under subsection 2 of section 33 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section.

13. Clause *a* of subsection 4 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, is amended by striking out "planning board" in the first and second lines and inserting in lieu thereof "committee of adjustment" and by inserting after "be" in the third line "attached to or", so that the clause shall read as follows:

R.S.O. 1960,
c. 348, s. 96
(1962-63,
c. 124, s. 37),
subs. 4,
cl. *a*,
amended

- (*a*) may require the consent of the committee of adjustment or the Minister of Municipal Affairs to be attached to or endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act*; or

R.S.O. 1960,
c. 296

14. Clause *h* of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 126
(1962-63,
c. 124,
s. 48),
subs. 1,
cl. *h*,
re-enacted

- (*h*) prescribing the minimum and maximum dimensions of instruments tendered for registration.

15. *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 348,
amended

126*a*. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in land titles and registry offices and for integrating the records in combined land titles and registry offices, and may limit the application of any provision of the regulations to one or more registry or land titles divisions.

Integration
of land
titles and
registry
records and
procedures
R.S.O. 1960,
c. 204

16. Subsection 4 of section 130 of *The Registry Act*, as re-enacted by subsection 3 of section 51 of *The Registry Amendment Act, 1966*, is amended by inserting after "document" in the first line "other than a plan of survey", so that the subsection shall read as follows:

R.S.O. 1960,
c. 348, s. 130,
subs. 4
(1966, c. 136,
s. 51,
subs. 3),
amended

- (4) The registrar shall record every document other than a plan of survey deposited under this Part at full length by means of photographic film reproduction.

Recording

R.S.O. 1960,
c. 348, s. 135
(1966, c. 136,
s. 52),
subs. 2,
amended

17. Subsection 2 of section 135 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by adding thereto the following clause:

(ba) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of January, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

R.S.O. 1960,
c. 348, s. 136
(1966, c. 136,
s. 52),
subs. 1,
amended

18. Subsection 1 of section 136 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by inserting at the commencement thereof "Subject to subsection 6 of section 31", so that the subsection shall read as follows:

Registration
of notice
of claim

(1) Subject to subsection 6 of section 31, a person having a claim against land that is not barred under section 135 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

R.S.O. 1960,
c. 348, s. 137
(1966, c. 136,
s. 52),
amended

19. Section 137 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by inserting after "those" in the second line "of Part I or Part II or", so that the section shall read as follows:

Part to
prevail
over other
provisions,

137. Where there is any conflict between the provisions of this Part and those of Part I or Part II or of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

Commence-
ment

20.—(1) This Act, except sections 1, 4, 10 and 17, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 10 and 17 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Registry Amendment Act, 1968-69*.

SECTION 17. The interest of a railway company in its lands for rights-of-way is exempted from the 40-year limit in a similar manner to highways.

SECTION 18. Complementary to section 5 of the Bill.

SECTION 19. The amendment ensures that the remainder of *The Registry Act* does not affect the validity of the 40-year root of title.

An Act to amend The Registry Act

1st Reading

March 24th, 1969

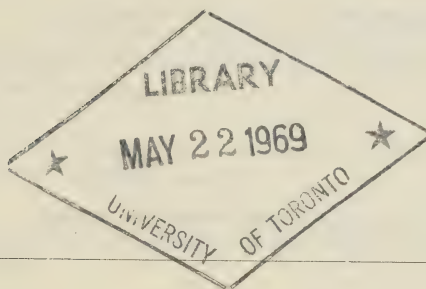
2nd Reading

3rd Reading

MR. WISHART

BILL 102

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Registry Act

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Complementary to section 3 of the Bill.

SECTION 2. The amendment confirms existing practice.

SECTION 3. The amendment authorizes names for registry divisions to be fixed by regulation.

SECTION 4. The duties of the Inspector of Legal Offices relating to the registry system are vested in a new office called the Director of Land Registration.

BILL 102

1968-69

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is amended by adding thereto the following clause: R.S.O. 1960,
c. 348, s. 1
(1966, c. 136,
s. 1),
amended

(aa) "Director" means the Director of Land Registration appointed under section 6a.

2. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 348,
amended

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act. Minister of
Justice and
Attorney
General

3. Subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964* and amended by section 1 of *The Registry Amendment Act, 1965*, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* in the amendment of 1965, and by adding thereto the following clause: R.S.O. 1960,
c. 348, s. 4,
subs. 2
(1964, c. 102,
s. 3),
amended

(e) designate the names by which registry divisions shall be known.

4. *The Registry Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 348,
amended

6a.—(1) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Director of Land Registration. Director
of Land
Registration

(2) The Director of Land Registration has general supervision and control over registry offices and the system for registration therein. Duties

- Idem* (3) Any reference in this Act to the Inspector or to the Inspector of Legal Offices shall be deemed to be a reference to the Director of Land Registration.
- Seal (4) The Director of Land Registration shall have a seal of office in such form as the Lieutenant Governor in Council approves.
- Assistant
Director of
Land
Registration 6b. The Lieutenant Governor in Council may appoint an Assistant Director of Land Registration, and the person so appointed shall act under the supervision of the Director of Land Registration or shall act as Director in the absence of the Director, and when so acting the Assistant Director of Land Registration has the powers and shall perform the duties of the Director of Land Registration under this or any other Act.
- R.S.O. 1960, c. 348, s. 31
(1966, c. 136, s. 8),
subs. 4,
amended 5.—(1) Subsection 4 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is amended by striking out “or” at the end of clause *d*, by adding “or” at the end of clause *e* and by adding thereto the following clause:
- 1964, c. 74 (f) to a licence of occupation for the purpose of a pipe line as defined in *The Ontario Energy Board Act, 1964*, if the licence is accompanied by an affidavit of the licensee or his solicitor or, where the licensee is a corporation, an officer of or solicitor for the corporation stating that the land affected by the licence is to be used for that purpose, or to any instrument affecting a registered licence of occupation.
- R.S.O. 1960, c. 348, s. 31
(1966, c. 136, s. 8),
amended (2) The said section 31 is amended by adding thereto the following subsections:
- Notice of
unregistered
interest (6) A notice of an unregistered instrument or of an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act.
- Leases (7) Notwithstanding subsections 2 and 6, a notice of,
- (a) a lease;
 - (b) a sublease;
 - (c) an assignment of a lease;
 - (d) a mortgage of a lease;
 - (e) an assignment of the lessor's interest in a lease; or

SECTION 5—Subsection 1. The amendment permits the registration of licences of occupation of Crown lands in registry divisions for pipe line purposes.

Subsection 2. The amendments permit registration of notice of leases and certain dealings with leases in place of registration of the original, but ensure that other notices resembling memorials of instruments can not be registered.

SECTION 6. The section repealed prescribes the maximum dimensions of instruments for registration. Provision is made in section 14 of the Bill to prescribe the maximums by regulation in the same manner as the minimum dimensions.

SECTION 7. The amendments add instruments executed on behalf of the Government of Canada and certificates of municipal tax credits to those exempted from the requirement to have affidavits of execution.

SECTION 8—Subsection 1. The amendment permits the age of a guarantor on a mortgage to be proved in the same manner as the age of a mortgagor.

Subsection 2. The amendment requires the affidavit of marital status where the female party does not join for the purpose of barring dower.

(f) a determination or surrender of a lease,
may be registered if it complies with the regulations.

6. Section 32 of *The Registry Act*, as re-enacted by section 9 of *The Registry Amendment Act, 1964*, is repealed. R.S.O. 1960, c. 348, s. 32 (1964, c. 102, s. 9), repealed

7.—(1) Clause *d* of subsection 1*a* of section 34 of *The Registry Act*, as enacted by section 11 of *The Registry Amendment Act, 1964*, is amended by adding at the end thereof "or of Canada", so that the clause shall read as follows: R.S.O. 1960, c. 348, s. 34, subs. 1*a* (1964, c. 102, s. 11), cl. *d*, amended

(*d*) an instrument that purports to be executed by an officer of the Government of Ontario or of Canada.

(2) Subsection 1*a* of the said section 34 is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 34, subs. 1*a* (1964, c. 102, s. 11), amended

(*p*) a notice or certificate under subsection 5 of section 2 of *The Municipal and School Tax Credit Assistance Act, 1967*. 1967, c. 56

8.—(1) Subsection 2 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out "stating whether he" in the fifth line and inserting in lieu thereof "or by any other person executing the mortgage stating whether such guarantor or surety", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 52 (1966, c. 136, s. 18, subs. 1), amended

(2) On and after the 1st day of January, 1967, where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person or by any other person executing the mortgage stating whether such guarantor or surety was of the full age of twenty-one years at the time he executed the mortgage. Guarantor, etc.

(2) Subsection 5 of the said section 52 is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 52 (1966, c. 136, s. 18, subs. 1), subs. 5, re-enacted

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing that they were married to one another at the time of execution of the instrument. Affidavit as to marriage

R.S.O. 1960,
c. 348, s. 53,
amended

9. Section 53 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1965* and section 19 of *The Registry Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Additional
exemptions

- (6) The Lieutenant Governor in Council may, by regulation, designate corporations to which this section does not apply, in addition to those set out in subsection 4.

R.S.O. 1960,
c. 348, s. 58*a*
(1966, c. 136,
s. 24),
re-enacted

10. Section 58*a* of *The Registry Act*, as enacted by section 24 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Consent
under 1958,
c. 29 (Can.)

- 58*a*.—(1) An instrument referred to in subsection 6 of section 58 shall not be registered unless the consent under the *Estate Tax Act* (Canada) is registered in the same manner as the consent or general certificate of the Treasurer of Ontario.

Idem

- (2) Subsection 1 applies only,
- (a) where the death of the deceased person occurred after the 31st day of December, 1958; and
- (b) where the instrument referred to in subsection 6 of section 58 is tendered for registration on or after the day on which this section comes into force.

R.S.O. 1960,
c. 348, s. 73,
amended

11. Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966* and section 8 of *The Registry Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Gas and
oil leases

- (9) Where an instrument purporting to surrender a registered gas or oil lease has been registered for ten or more years, the registrar shall, wherever the gas or oil lease and any instrument dealing exclusively with the gas or oil lease appear on any abstract index in his office, draw a line in red ink through all such entries and shall initial the same and the lands described in the lease are validly discharged therefrom.

R.S.O. 1960,
c. 348, s. 80,
amended

12. Section 80 of *The Registry Act*, as amended by section 35 of *The Registry Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Registration
deemed
notice

- (4) The registration of a notice under subsection 7 of section 31 or under section 136 or a declaration

SECTION 9. The amendment authorizes regulations to add further corporations to those exempted from the requirement to have affidavits as to powers in mortmain upon registration.

SECTION 10. The provision added would qualify land in Ontario to be exempted from the provision of the *Estate Tax Act* (Canada) imposing a lien for taxes.

SECTION 11. The amendment requires ruling off of surrendered gas and oil leases in the same manner as discharged mortgages.

SECTION 12. The amendment assures that registration of,

1. notices respecting leases;
2. notices reviving claims of interests for the purposes of Part III;
and
3. declarations describing lands affected by an instrument,

constitutes constructive notice in the same manner as the registration of instruments.

SECTION 13. The provision amended provides for the conditions that may be attached to the withdrawal of a restraining order. Planning boards have been superseded by committees of adjustment with respect to by-laws under section 26 of *The Planning Act* and the reference is amended to agree with the change.

SECTION 14. Complementary to section 6 of the Bill.

SECTION 15. Self-explanatory.

SECTION 16. The amendment exempts deposited plans from the requirement to microfilm in the same manner as registered plans are exempted under section 55 of the Act.

under subsection 2 of section 33 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section.

13. Clause *a* of subsection 4 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, is amended by striking out "planning board" in the first and second lines and inserting in lieu thereof "committee of adjustment" and by inserting after "be" in the third line "attached to or", so that the clause shall read as follows:

- (a) may require the consent of the committee of adjustment or the Minister of Municipal Affairs to be attached to or endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act*; or

14. Clause *h* of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (h) prescribing the minimum and maximum dimensions of instruments tendered for registration.

15. *The Registry Act* is amended by adding thereto the following section:

- 126a. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in land titles and registry offices and for integrating the records in combined land titles and registry offices, and may limit the application of any provision of the regulations to one or more registry or land titles divisions.

16. Subsection 4 of section 130 of *The Registry Act*, as re-enacted by subsection 3 of section 51 of *The Registry Amendment Act, 1966*, is amended by inserting after "document" in the first line "other than a plan of survey", so that the subsection shall read as follows:

- (4) The registrar shall record every document other than a plan of survey deposited under this Part at full length by means of photographic film reproduction.

R.S.O. 1960, c. 348, s. 135 (1966, c. 136, s. 52), subs. 2, amended **17.** Subsection 2 of section 135 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by adding thereto the following clause:

(ba) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of January, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

R.S.O. 1960, c. 348, s. 136 (1966, c. 136, s. 52), subs. 1, amended **18.** Subsection 1 of section 136 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by inserting at the commencement thereof "Subject to subsection 6 of section 31", so that the subsection shall read as follows:

Registration
of notice
of claim

(1) Subject to subsection 6 of section 31, a person having a claim against land that is not barred under section 135 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

R.S.O. 1960, c. 348, s. 137 (1966, c. 136, s. 52), amended **19.** Section 137 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by inserting after "those" in the second line "of Part I or Part II or", so that the section shall read as follows:

Part to
prevail
over other
provisions,

137. Where there is any conflict between the provisions of this Part and those of Part I or Part II or of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

Commence-
ment

20.—(1) This Act, except sections 1, 4, 10 and 17, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 10 and 17 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Registry Amendment Act, 1968-69*.

SECTION 17. The interest of a railway company in its lands for rights-of-way is exempted from the 40-year limit in a similar manner to highways.

SECTION 18. Complementary to section 5 of the Bill.

SECTION 19. The amendment ensures that the remainder of *The Registry Act* does not affect the validity of the 40-year root of title.

An Act to amend The Registry Act

1st Reading

March 24th, 1969

2nd Reading

April 30th, 1969

3rd Reading

MR. WISHART

(Reprinted as amended by
the Committee of the Whole House)

BILL 102

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Registry Act**

Mr. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 102

1968-69

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 1 (1966, c. 136, s. 1), amended

(aa) "Director" means the Director of Land Registration appointed under section 6a.

2. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act. Minister of Justice and Attorney General

3. Subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964*, and amended by section 1 of *The Registry Amendment Act, 1965*, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* in the amendment of 1965, and by adding thereto the following clause: R.S.O. 1960, c. 348, s. 4, subs. 2 (1964, c. 102, s. 3), amended

(e) designate the names by which registry divisions shall be known.

4. *The Registry Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 348, amended

6a.—(1) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Director of Land Registration. Director of Land Registration

(2) The Director of Land Registration has general supervision and control over registry offices and the system for registration therein. Duties

- Idem (3) Any reference in this Act to the Inspector or to the Inspector of Legal Offices shall be deemed to be a reference to the Director of Land Registration.
- Seal (4) The Director of Land Registration shall have a seal of office in such form as the Lieutenant Governor in Council approves.
- Assistant Director of Land Registration 6b. The Lieutenant Governor in Council may appoint an Assistant Director of Land Registration, and the person so appointed shall act under the supervision of the Director of Land Registration or shall act as Director in the absence of the Director, and when so acting the Assistant Director of Land Registration has the powers and shall perform the duties of the Director of Land Registration under this or any other Act.
- R.S.O. 1960, c. 348, s. 31 (1966, c. 136, s. 8), subs. 4, amended 5.—(1) Subsection 4 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is amended by striking out “or” at the end of clause *d*, by adding “or” at the end of clause *e* and by adding thereto the following clause:
- 1964, c. 74 (f) to a licence of occupation for the purpose of a pipe line as defined in *The Ontario Energy Board Act, 1964*, if the licence is accompanied by an affidavit of the licensee or his solicitor or, where the licensee is a corporation, an officer of or solicitor for the corporation stating that the land affected by the licence is to be used for that purpose, or to any instrument affecting a registered licence of occupation.
- R.S.O. 1960, c. 348, s. 31 (1966, c. 136, s. 8), amended (2) The said section 31 is amended by adding thereto the following subsections:
- Notice of unregistered interest (6) A notice of an unregistered instrument or of an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act.
- Leases (7) Notwithstanding subsections 2 and 6, a notice of,
- (a) a lease;
 - (b) a sublease;
 - (c) an assignment of a lease;
 - (d) a mortgage of a lease;
 - (e) an assignment of the lessor's interest in a lease; or

(f) a determination or surrender of a lease,

may be registered if it complies with the regulations.

6. Section 32 of *The Registry Act*, as re-enacted by section 9 of *The Registry Amendment Act, 1964*, is repealed.

R.S.O. 1960,
c. 348, s. 32
(1964, c. 102,
s. 9),
repealed

7.—(1) Clause *d* of subsection 1*a* of section 34 of *The Registry Act*, as enacted by section 11 of *The Registry Amendment Act, 1964*, is amended by adding at the end thereof “or of Canada”, so that the clause shall read as follows:

R.S.O. 1960,
c. 348, s. 34,
subs. 1*a*
(1964, c. 102,
s. 11), cl. *d*,
amended

(*d*) an instrument that purports to be executed by an officer of the Government of Ontario or of Canada.

(2) Subsection 1*a* of the said section 34 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 348, s. 34,
subs. 1*a*
(1964, c. 102,
s. 11),
amended

(*p*) a notice or certificate under subsection 5 of section 2 of *The Municipal and School Tax Credit Assistance Act, 1967*.

1967, c. 56

8.—(1) Subsection 2 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out “stating whether he” in the fifth line and inserting in lieu thereof “or by any other person executing the mortgage stating whether such guarantor or surety”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 348, s. 52
(1966, c. 136,
s. 18,
subs. 1),
subs. 2,
amended

(2) On and after the 1st day of January, 1967, where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person or by any other person executing the mortgage stating whether such guarantor or surety was of the full age of twenty-one years at the time he executed the mortgage.

Guarantor,
etc.

(2) Subsection 5 of the said section 52 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 52
(1966, c. 136,
s. 18,
subs. 1),
subs. 5,
re-enacted

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing that they were married to one another at the time of execution of the instrument.

Affidavit
as to
marriage

R.S.O. 1960,
c. 348, s. 53,
amended

9. Section 53 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1965* and section 19 of *The Registry Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Additional
exemptions

- (6) The Lieutenant Governor in Council may, by regulation, designate corporations to which this section does not apply, in addition to those set out in subsection 4.

R.S.O. 1960,
c. 348, s. 58a
(1966, c. 136,
s. 24),
re-enacted

10. Section 58a of *The Registry Act*, as enacted by section 24 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Consent
under 1958,
c. 29 (Can.)

58a.—(1) An instrument referred to in subsection 6 of section 58 shall not be registered unless the consent under the *Estate Tax Act* (Canada) is registered in the same manner as the consent or general certificate of the Treasurer of Ontario.

Idem

- (2) Subsection 1 applies only,

- (a) where the death of the deceased person occurred after the 31st day of December, 1958; and
(b) where the instrument referred to in subsection 6 of section 58 is tendered for registration on or after the day on which this section comes into force.

R.S.O. 1960,
c. 348, s. 73,
amended

11. Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966* and section 8 of *The Registry Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Gas and
oil leases

- (9) Where an instrument purporting to surrender a registered gas or oil lease has been registered for ten or more years, the registrar shall, wherever the gas or oil lease and any instrument dealing exclusively with the gas or oil lease appear on any abstract index in his office, draw a line in red ink through all such entries and shall initial the same and the lands described in the lease are validly discharged therefrom.

R.S.O. 1960,
c. 348, s. 80,
amended

12. Section 80 of *The Registry Act*, as amended by section 35 of *The Registry Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Registration
deemed
notice

- (4) The registration of a notice under subsection 7 of section 31 or under section 136 or a declaration

under subsection 2 of section 33 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section.

13. Clause *a* of subsection 4 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, is amended by striking out "planning board" in the first and second lines and inserting in lieu thereof "committee of adjustment" and by inserting after "be" in the third line "attached to or", so that the clause shall read as follows:

- (a) may require the consent of the committee of adjustment or the Minister of Municipal Affairs to be attached to or endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act*; or

.

14. Clause *h* of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (h) prescribing the minimum and maximum dimensions of instruments tendered for registration.

15. *The Registry Act* is amended by adding thereto the following section:

126a. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in land titles and registry offices and for integrating the records in combined land titles and registry offices, and may limit the application of any provision of the regulations to one or more registry or land titles divisions.

16. Subsection 4 of section 130 of *The Registry Act*, as re-enacted by subsection 3 of section 51 of *The Registry Amendment Act, 1966*, is amended by inserting after "document" in the first line "other than a plan of survey", so that the subsection shall read as follows:

- (4) The registrar shall record every document other than a plan of survey deposited under this Part at full length by means of photographic film reproduction.

R.S.O. 1960,
c. 348, s. 135
(1966, c. 136,
s. 52),
subs. 2,
amended

17. Subsection 2 of section 135 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by adding thereto the following clause:

(ba) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of January, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

R.S.O. 1960,
c. 348, s. 136
(1966, c. 136,
s. 52),
subs. 1,
amended

18. Subsection 1 of section 136 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by inserting at the commencement thereof "Subject to subsection 6 of section 31", so that the subsection shall read as follows:

Registration
of notice
of claim

(1) Subject to subsection 6 of section 31, a person having a claim against land that is not barred under section 135 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

R.S.O. 1960,
c. 348, s. 137
(1966, c. 136,
s. 52),
amended

19. Section 137 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by inserting after "those" in the second line "of Part I or Part II or", so that the section shall read as follows:

Part to
prevail
over other
provisions,

137. Where there is any conflict between the provisions of this Part and those of Part I or Part II or of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

Commence-
ment

20.—(1) This Act, except sections 1, 4, 10 and 17, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 10 and 17 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Registry Amendment Act, 1968-69*.

An Act to amend The Registry Act

1st Reading

March 24th, 1969

2nd Reading

April 30th, 1969

3rd Reading

May 9th, 1969

MR. WISHART

BILL 103

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Land Titles Act

MR. WISHART



EXPLANATORY NOTES

SECTION 1. The new provision confirms existing practice.

SECTION 2. The land titles system has been extended by proclamation to the areas named in the new clauses.

SECTION 3. The provision repealed has no further application as the land titles office for the County of Carleton is now operated in conjunction with the registry office for the City of Ottawa.

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act. Minister of
Justice and
Attorney
General

2. Subsection 1 of section 2 of *The Land Titles Act*, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62* and amended by section 2 of *The Land Titles Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960,
c. 204, s. 2
(1961-62,
c. 70, s. 2),
subs. 1,
amended

- (m) that part of the County of Middlesex comprising the registry division of the west riding of the County of Middlesex, including every local municipality in that registry division;
- (n) the County of Hastings, including every local municipality in the county except the City of Belleville and the separated Town of Trenton;
- (o) the County of Bruce, including every local municipality in the county;
- (p) that part of the County of Durham comprising the registry division of the west riding of the County of Durham including every local municipality in that registry division.

3.—(1) Subsection 1 of section 5a of *The Land Titles Act*, as enacted by section 3 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 5a
(1966, c. 77,
s. 3),
subs. 1,
re-enacted

- (1) Subject to subsection 2 of section 4 and except as provided by subsection 2, every land titles office shall be combined with the registry office for the registry division to which this Act has been extended. Operation
of land
titles
offices

R.S.O. 1960,
c. 204, s. 5a
(1966, c. 77,
s. 3), subs. 3,
repealed

(2) Subsection 3 of the said section 5a is repealed.

R.S.O. 1960,
c. 204, s. 6,
amended

4. Section 6 of *The Land Titles Act* is amended by adding thereto the following subsections:

Duties of
Director
of Land
Registration

(2) Any reference in this Act to the Inspector or to the Inspector of Legal Offices shall be deemed to be a reference to the Director of Land Registration appointed under *The Registry Act*.

R.S.O. 1960,
c. 348

Idem

(3) The Director of Land Registration has general supervision and control over land titles offices and the system for registration therein.

R.S.O. 1960,
c. 204, s. 8,
subs. 1,
re-enacted

5. Subsection 1 of section 8 of *The Land Titles Act* is repealed and the following substituted therefor:

Duties of
director
of titles

(1) The director of titles shall supervise and determine all matters relating to titles of land to which this Act applies.

R.S.O. 1960,
c. 204, s. 9
(1966, c. 77,
s. 5), subs. 1,
repealed

6. Subsection 1 of section 9 of *The Land Titles Act*, as re-enacted by section 5 of *The Land Titles Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 204, s. 11,
subs. 2,
re-enacted;
subs. 3,
repealed

7. Subsections 2 and 3 of section 11 of *The Land Titles Act* are repealed and the following substituted therefor:

Assistant
examiners
of surveys

(2) The Lieutenant Governor in Council may appoint one or more persons to be assistant examiners of surveys who shall assist the examiner of surveys in the performance of his duties.

R.S.O. 1960,
c. 204, s. 15,
re-enacted

8. Section 15 of *The Land Titles Act* is repealed and the following substituted therefor:

Oath of
office

15. Every officer appointed under this Act, before he enters upon the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director of Land Registration.

R.S.O. 1960,
c. 204, s. 29
(1966, c. 77,
s. 12),
re-enacted

9. Section 29 of *The Land Titles Act*, as re-enacted by section 12 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor:

Right to
appeal

29.—(1) Except as provided by subsection 3 of section 162, an appeal lies from any act, order or decision of the Director of Land Registration, the director of titles or a master of titles under this Act to a judge of

SECTIONS 4 AND 5. The office of Director of Land Registration is established by an amendment to *The Registry Act* at this session to replace the Inspector of Legal Offices in respect of his function in land registration matters.

SECTION 6. The provision repealed requires the master of titles at Toronto to be a barrister or solicitor.

SECTION 7. The requirement that assistant examiners of surveys be Ontario land surveyors of at least three years standing is deleted together with special function for the senior assistant examiner of surveys.

SECTION 8. The amendment leaves the form of the oath of office to be prescribed by regulation and provides for its filing.

SECTION 9. At present, appeals are provided to the local judge of the Supreme Court and then to the Court of Appeal. The amendment provides for appeals to a judge of the county or district court and then to the Court of Appeal.

SECTION 10. The provisions repealed provide for payment of fees as between the master of titles and registrar of deeds. This is unnecessary with the assumption of the costs of the administration of justice by Ontario.

SECTION 11. The new provision makes it possible to have lands in Ontario exempted from liens for taxes under section 43 (1) of the *Estate Tax Act* (Canada).

SECTION 12. The transmission of fees from the sheriff to the master of titles is unnecessary as both now come under the same administration.

the county or district court of the county or district in which the land to which the decision relates is situate or of such other county or district as the parties agree to.

- (2) An appeal lies from a decision of a judge of a county or district court under subsection 1 to the Court of Appeal. Idem

10.—(1) Subsection 2 of section 50 of *The Land Titles Act* is amended by striking out “upon payment of his proper fees” in the first line, so that the subsection shall read as follows: R.S.O. 1960,
c. 204, s. 50,
subs. 2,
amended

- (2) The registrar shall comply with the request and shall transmit the instruments by registered mail or by express and shall send therewith a list of the instruments transmitted and shall retain a copy of the list. Duty of
registrar

- (2) Subsection 4 of the said section 50 is repealed. R.S.O. 1960,
c. 204, s. 50,
subs. 4,
repealed

11. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

133a.—(1) A person referred to in subsection 1 of section 133 shall not be entered as owner unless the consent under the *Estate Tax Act* (Canada) is attached to the application in the same manner as the consent of the Treasurer of Ontario. Registration
of consent
under 1958,
c. 29, s. 43,
subs. 1,
(Can.)

- (2) Subsection 1 applies only, Idem

(a) where the death of the registered owner occurred after the 31st day of December, 1958; and

(b) where the application referred to in subsection 1 of section 133 is made on or after the day on which this section comes into force.

12. Subsection 8 of section 145 of *The Land Titles Act*, as re-enacted by section 37 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “and of that amount the sheriff shall pay over \$1 to the proper master of titles” in the seventh and eighth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 204, s. 145,
subs. 8,
(1961-62,
c. 70, s. 37),
amended

- (8) Where a copy of a writ of execution or a renewal thereof is delivered or transmitted to the proper master of titles under subsection 1, the sheriff shall be paid by the person upon whose request the copy Fee

is delivered or transmitted a fee of \$3 in addition to any other fee payable to the sheriff on the filing of the writ.

R.S.O. 1960, c. 204, s. 153, subs. 8, repealed **13.** Subsection 8 of section 153 of *The Land Titles Act* is repealed.

R.S.O. 1960, c. 204, s. 154b (1961-62, c. 70, s. 39), repealed **14.** Section 154b of *The Land Titles Act*, as enacted by section 39 of *The Land Titles Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 204, s. 162, subs. 3 (1966, c. 77, s. 22, subs. 2), re-enacted **15.** Subsection 3 of section 162 of *The Land Titles Act*, as re-enacted by subsection 2 of section 22 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor:

Appeal (3) An appeal lies from any decision made under this section to the Court of Appeal.

R.S.O. 1960, c. 204, amended **16.** *The Land Titles Act* is amended by adding thereto the following section:

Integration of land titles and registry records and procedures R.S.O. 1960, c. 348 **172b.** The provisions of this Act respecting the procedures and records in land titles offices are subject to any regulation made under section 126a of *The Registry Act*.

R.S.O. 1960, c. 204, s. 176, subs. 4, re-enacted **17.** Subsection 4 of section 176 of *The Land Titles Act* is repealed and the following substituted therefor:

Return address (4) The envelope containing a notice under this Act shall have printed thereon the return address of the office of land titles.

R.S.O. 1960, c. 204, s. 177, subs. 2 (1961-62, c. 70, s. 46), re-enacted **18.** Subsection 2 of section 177 of *The Land Titles Act*, as re-enacted by section 46 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Idem (2) The proper master of titles may, upon the request of the council of a municipality, furnish photographic or electrostatic copies of instruments or parts thereof instead of a list, in which case the master is entitled to such fee as is agreed upon by the master and the council and approved by the Director of Land Registration.

1960, c. 56, s. 27, repealed **19.** Section 27 of *The Land Titles Amendment Act, 1960* is repealed.

SECTION 13. The provision deleted requires all plans to be approved by the examiner of surveys or other person designated by the regulation before their registration.

SECTION 14. The provision repealed is obsolete as it makes applicable a provision already repealed.

SECTION 15. An appeal from a decision altering a registered plan lies from the director of titles or county court judge directly to the Court of Appeal and the intermediate appeal to a judge of the High Court is eliminated.

SECTION 16. The new provision is complementary to section 15 of the Bill entitled An Act to amend The Registry Act and allows for special provision to integrate procedures and records in combined offices.

SECTION 17. The amendment is less explicit about the form in which the return address is to be worded.

SECTION 18. The amendment permits the furnishing of photographic or electrostatic copies of registered transfers to the municipality. The fee of 20 cents is deleted and to be prescribed by regulation.

SECTION 19. The provision repealed provides for the payment to the Assurance Fund of amounts in connection with transfers of land to land titles before 1956. Such charges were dispensed with in 1966.

20.—(1) This Act, except sections 4, 8, 9 and 11, comes ^{Commence-}into force on the day it receives Royal Assent.
ment

(2) Sections 4, 8, 9 and 11 come into force on a day to be ^{Idem}named by the Lieutenant Governor by his proclamation.

21. This Act may be cited as *The Land Titles Amendment* ^{Short title}
Act, 1968-69.

An Act to amend
The Land Titles Act

1st Reading

March 24th, 1969

2nd Reading

3rd Reading

MR. WISHART

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Land Titles Act



MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 103

1968-69

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 204,
amended

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act. Minister of
Justice and
Attorney
General

2. Subsection 1 of section 2 of *The Land Titles Act*, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62* and amended by section 2 of *The Land Titles Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960,
c. 204, s. 2
(1961-62,
c. 70, s. 2),
subs. 1,
amended

- (m) that part of the County of Middlesex comprising the registry division of the west riding of the County of Middlesex, including every local municipality in that registry division;
- (n) the County of Hastings, including every local municipality in the county except the City of Belleville and the separated Town of Trenton;
- (o) the County of Bruce, including every local municipality in the county;
- (p) that part of the County of Durham comprising the registry division of the west riding of the County of Durham including every local municipality in that registry division.

3.—(1) Subsection 1 of section 5a of *The Land Titles Act*, as enacted by section 3 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 204, s. 5a
(1966, c. 77,
s. 3),
subs. 1,
re-enacted

- (1) Subject to subsection 2 of section 4 and except as provided by subsection 2, every land titles office shall be combined with the registry office for the registry division to which this Act has been extended. Operation
of land
titles
offices

R.S.O. 1960,
c. 204, s. 5a
(1966, c. 77,
s. 3), subs. 3,
repealed

(2) Subsection 3 of the said section 5a is repealed.

R.S.O. 1960,
c. 204, s. 6,
amended

4. Section 6 of *The Land Titles Act* is amended by adding thereto the following subsections:

Duties of
Director
of Land
Registration

(2) Any reference in this Act to the Inspector or to the Inspector of Legal Offices shall be deemed to be a reference to the Director of Land Registration appointed under *The Registry Act*.

R.S.O. 1960,
c. 348

Idem

(3) The Director of Land Registration has general supervision and control over land titles offices and the system for registration therein.

R.S.O. 1960,
c. 204, s. 8,
subs. 1,
re-enacted

5. Subsection 1 of section 8 of *The Land Titles Act* is repealed and the following substituted therefor:

Duties of
director
of titles

(1) The director of titles shall supervise and determine all matters relating to titles of land to which this Act applies.

R.S.O. 1960,
c. 204, s. 9
(1966, c. 77,
s. 5), subs. 1,
repealed

6. Subsection 1 of section 9 of *The Land Titles Act*, as re-enacted by section 5 of *The Land Titles Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 204, s. 11,
subs. 2,
re-enacted;
subs. 3,
repealed

7. Subsections 2 and 3 of section 11 of *The Land Titles Act* are repealed and the following substituted therefor:

Assistant
examiners
of surveys

(2) The Lieutenant Governor in Council may appoint one or more persons to be assistant examiners of surveys who shall assist the examiner of surveys in the performance of his duties.

R.S.O. 1960,
c. 204, s. 15,
re-enacted

8. Section 15 of *The Land Titles Act* is repealed and the following substituted therefor:

Oath of
office

15. Every officer appointed under this Act, before he enters upon the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director of Land Registration.

R.S.O. 1960,
c. 204, s. 29
(1966, c. 77,
s. 12),
re-enacted

9. Section 29 of *The Land Titles Act*, as re-enacted by section 12 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor:

Right to
appeal

29.—(1) Except as provided by subsection 3 of section 162, an appeal lies from any act, order or decision of the Director of Land Registration, the director of titles or a master of titles under this Act to a judge of

the county or district court of the county or district in which the land to which the decision relates is situate or of such other county or district as the parties agree to.

- (2) An appeal lies from a decision of a judge of a county^{Idem} or district court under subsection 1 to the Court of Appeal.

10.—(1) Subsection 2 of section 50 of *The Land Titles Act*^{R.S.O. 1960, c. 204, s. 50, subs. 2, amended} is amended by striking out “upon payment of his proper fees” in the first line, so that the subsection shall read as follows:

- (2) The registrar shall comply with the request and shall^{Duty of registrar} transmit the instruments by registered mail or by express and shall send therewith a list of the instruments transmitted and shall retain a copy of the list.

- (2) Subsection 4 of the said section 50 is repealed.^{R.S.O. 1960, c. 204, s. 50, subs. 4, repealed}

11. *The Land Titles Act* is amended by adding thereto the following section:^{R.S.O. 1960, c. 204, amended}

133a.—(1) A person referred to in subsection 1 of section 133 shall not be entered as owner unless the consent^{Registration of consent under 1958, c. 29, s. 43, subs. 1, (Can.)} under the *Estate Tax Act* (Canada) is attached to the application in the same manner as the consent of the Treasurer of Ontario.

- (2) Subsection 1 applies only,^{Idem}

(a) where the death of the registered owner occurred after the 31st day of December, 1958; and

(b) where the application referred to in subsection 1 of section 133 is made on or after the day on which this section comes into force.

12. Subsection 8 of section 145 of *The Land Titles Act*,^{R.S.O. 1960, c. 204, s. 145, subs. 8, (1961-62, c. 70, s. 37), amended} as re-enacted by section 37 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “and of that amount the sheriff shall pay over \$1 to the proper master of titles” in the seventh and eighth lines, so that the subsection shall read as follows:

- (8) Where a copy of a writ of execution or a renewal^{Fee} thereof is delivered or transmitted to the proper master of titles under subsection 1, the sheriff shall be paid by the person upon whose request the copy

is delivered or transmitted a fee of \$3 in addition to any other fee payable to the sheriff on the filing of the writ.

R.S.O. 1960, c. 204, s. 153, subs. 8, repealed **13.** Subsection 8 of section 153 of *The Land Titles Act* is repealed.

R.S.O. 1960, c. 204, s. 154b (1961-62, c. 70, s. 39), repealed **14.** Section 154b of *The Land Titles Act*, as enacted by section 39 of *The Land Titles Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 204, s. 162, subs. 3 (1966, c. 77, s. 22, subs. 2), re-enacted **15.** Subsection 3 of section 162 of *The Land Titles Act*, as re-enacted by subsection 2 of section 22 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor:

Appeal (3) An appeal lies from any decision made under this section to the Court of Appeal.

R.S.O. 1960, c. 204, amended **16.** *The Land Titles Act* is amended by adding thereto the following section:

Integration of land titles and registry records and procedures R.S.O. 1960, c. 348 **17b.** The provisions of this Act respecting the procedures and records in land titles offices are subject to any regulation made under section 126a of *The Registry Act*.

R.S.O. 1960, c. 204, s. 176, subs. 4, re-enacted **17.** Subsection 4 of section 176 of *The Land Titles Act* is repealed and the following substituted therefor:

Return address (4) The envelope containing a notice under this Act shall have printed thereon the return address of the office of land titles.

R.S.O. 1960, c. 204, s. 177, subs. 2 (1961-62, c. 70, s. 46), re-enacted **18.** Subsection 2 of section 177 of *The Land Titles Act*, as re-enacted by section 46 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Idem (2) The proper master of titles may, upon the request of the council of a municipality, furnish photographic or electrostatic copies of instruments or parts thereof instead of a list, in which case the master is entitled to such fee as is agreed upon by the master and the council and approved by the Director of Land Registration.

1960, c. 56, s. 27, repealed **19.** Section 27 of *The Land Titles Amendment Act, 1960* is repealed.

20.—(1) This Act, except sections 4, 8, 9 and 11, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Sections 4, 8, 9 and 11 come into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Idem}

21. This Act may be cited as *The Land Titles Amendment Act, 1968-69*. ^{Short title}

An Act to amend
The Land Titles Act

1st Reading

March 24th, 1969

2nd Reading

April 30th, 1969

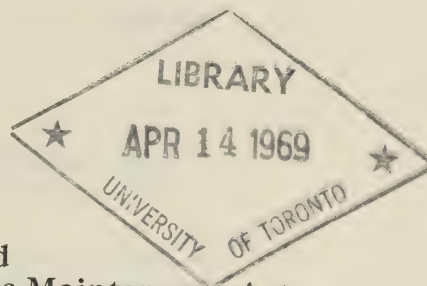
3rd Reading

May 9th, 1969

MR. WISHART

BILL 104

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



**An Act to amend
The Deserted Wives' and Children's Maintenance Act**

MR. WORTON

EXPLANATORY NOTE

At present the age for support is under 16 years. The amendment increases this age to under 18 years or over 18 if the child is attending school.

BILL 104

1968-69

An Act to amend The Deserted Wives' and Children's Maintenance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 105, s. 2,
subs. 3,
re-enacted

- (3) A child shall be deemed to have been deserted by his father within the meaning of this section when the child is, When
child
deemed
deserted

(a) under the age of eighteen years; or

(b) of the age of eighteen years or over and attending school,

and the father has without adequate cause, refused or neglected to supply the child with food or other necessities when able to do so.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1968-69*. Short title

An Act to amend 'The Deserted Wives'
and Children's Maintenance Act

1st Reading

March 28th, 1969

2nd Reading

3rd Reading

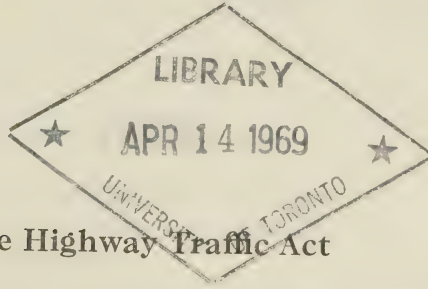
MR. WORTON

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Government
Publications

BILL 105

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Highway Traffic Act

Mr. HASKETT

EXPLANATORY NOTES

SECTION 1—Subsection 1. "Median strip" is defined for the purposes of the Act.

Subsection 2. "Self-propelled implement of husbandry" is redefined for the purposes of clarification.

Subsection 3. Subsection 3 is revised to confine its application to Part VII, respecting speed.

SECTION 2. The penalty provisions are removed from subsection 1 and the general penalty in section 154, as amended in this Bill, will apply. The new subsection 1*a* is complementary to "self-propelled implement of husbandry", as redefined in section 1, and provides for the registration of such vehicles except as provided in subsection 1*a*.

BILL 105

1968-69

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

12a. "median strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a strip of pavement of more than ten feet in width, a physical barrier or an unpaved strip of ground.

(2) Paragraph 24a of subsection 1 of the said section 1, as enacted by section 1 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, par. 24a, (1966, c. 64, s. 1), re-enacted

24a. "self-propelled implement of husbandry" means a self-propelled vehicle manufactured, designed, re-designed, converted or reconstructed for a specific use in farming.

(3) Subsection 3 of the said section 1, as enacted by subsection 4 of section 1 of *The Highway Traffic Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 3, (1965, c. 46, s. 1, subs. 4), re-enacted

(3) For the purposes of Part VII and any regulations or municipal by-laws made thereunder, every overpass and underpass shall be deemed to form part of the highway that it connects. Overpass and underpass

2.—(1) Subsection 1 of section 6 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 6, subs. 1, (1962-63, c. 56, s. 2), re-enacted

(1) The owner of every motor vehicle, trailer or conversion unit shall register it with the Department of motor vehicles before driving or operating it or causing it to be

driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle, trailer or conversion unit and for the number plates therefor.

R.S.O. 1960, c. 172, s. 6, amended (2) The said section 6 is amended by adding thereto the following subsection:

Self-propelled implement of husbandry

- (1a) Subsection 1 applies to a self-propelled implement of husbandry that is operated on a highway other than when travelling from farm to farm in relation to the specific use for which it was manufactured, designed, redesigned, converted or reconstructed or in travelling to or from such places as may be necessary for the maintenance or repair of the vehicle.

R.S.O. 1960, c. 172, s. 7, subs. 1, re-enacted

3.—(1) Subsection 1 of section 7 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty for false statement

- (1) Every person who knowingly makes any false statement in any application, declaration, affidavit or paper writing required by this Act or by the regulations or by the Department, is guilty of an offence and on summary conviction, in addition to any other penalty or punishment to which he may be liable, is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a period of not more than six months.

R.S.O. 1960, c. 172, s. 7, subs. 2, re-enacted

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Notice of change of address

- (2) Where an owner changes his address as given under subsection 2 of section 6 or under this subsection, he shall within six days send by registered mail or cause to be filed in the Department his change of address.

R.S.O. 1960, c. 172, s. 8, subs. 2, 4, 7, repealed

4. Subsections 2, 4 and 7 of section 8 of *The Highway Traffic Act* are repealed.

R.S.O. 1960, c. 172, s. 9, re-enacted

5. Section 9 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1965* and section 3 of *The Highway Traffic Amendment Act, 1968*, is repealed and the following substituted therefor:

Violations as to number plates

9.—(1) Every person who,

- (a) defaces or alters any number plate furnished by the Department;

SECTION 3—Subsection 1. A fine of \$50 to \$200 for any contravention of subsection 1 is substituted for the fines for a first and subsequent offence.

Subsection 2. The penalty provisions are removed and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 4. The penalty provisions are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 5. Section 9 is revised to provide a minimum fine of \$50 in relation to offences under subsection 1 and to delete the other penalty provisions and apply the general penalty in section 154, as amended in this Bill.

SECTION 6—Subsection 1. The penalty provision is deleted and the general penalty in section 154, as amended in this Bill, will apply.

Subsection 2. Fines for subsequent offences are removed and a fine of not less than \$5 and not more than \$10 is substituted for contravention of subsection 3 respecting obstruction of plates by dirt, spare tires, etc.

SECTION 7. The penalty provisions re driving without an operator's licence are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 8. The penalty respecting production of licences is deleted and the general penalty in section 154, as amended in this Bill, will apply.

The provision requiring production of an operator's licence for endorsement upon a conviction is repealed and a new subsection 2 is added to require a person who fails to produce his licence on demand to identify himself by some other means satisfactory to the constable.

- (b) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle, trailer or conversion unit;
- (c) without the authority of the owner, removes a number plate from a motor vehicle, trailer or conversion unit;
- (d) uses or permits the use of any number plate upon a motor vehicle, trailer or conversion unit, except the one issued by the Department for the motor vehicle, trailer or conversion unit,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500 or to imprisonment for not more than thirty days, or to both, and in addition his licence or permit may be suspended for not more than six months.

- (2) Every person shall, within six days, forward to the Department a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle, trailer or conversion unit for which a permit has been issued. Notice of purchase of motor vehicle, etc.
- (3) Every number plate furnished by the Department under this Act is the property of the Crown and shall be returned to the Department when required by the Department. Number plates property of Crown

6.—(1) Subsection 2 of section 10 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 10, subs. 2, repealed

(2) Subsection 4 of the said section 10 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 10, subs. 4, re-enacted

- (4) Every person who contravenes any of the provisions of subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$10. Penalty

7. Subsection 2 of section 13 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 13, subs. 2, repealed

8. Subsections 2, 3 and 4 of section 14 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 14, subs. 2, re-enacted; subs. 3, 4, repealed

Identification on failure to produce licence

- (2) Every person who is unable or refuses to produce his licence in accordance with subsection 1 shall, when requested by a constable, identify himself by some other means satisfactory to the constable.

R.S.O. 1960, c. 172, s. 15, (1966, c. 64, s. 4), amended

9. Section 15 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1966* and amended by section 5 of *The Highway Traffic Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Exemption of new residents

- (2) Sections 13 and 16 and any regulation made thereunder do not apply to a person for thirty days after he has become a resident of Ontario if during such period he holds a subsisting driver's licence in accordance with the laws of the province, country or state of which he was a resident immediately before becoming a resident of Ontario.

R.S.O. 1960, c. 172, s. 16, subs. 2, repealed

10. Subsection 2 of section 16 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 17, subs. 2, re-enacted; subss. 3, 4, repealed

11. Subsections 2, 3 and 4 of section 17 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Identification on failure to produce licence

- (2) Every person who is unable or refuses to produce his licence in accordance with subsection 1 shall, when requested by a constable, identify himself by some other means satisfactory to the constable.

R.S.O. 1960, c. 172, s. 18, subs. 4, repealed

12. Subsection 4 of section 18 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 19, subs. 4, repealed

13. Subsection 4 of section 19 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 21a (1960-61, c. 34, s. 4), amended

14. Section 21a of *The Highway Traffic Act*, as enacted by section 4 of *The Highway Traffic Amendment Act, 1960-61* and amended by section 5 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "Notwithstanding section 155" in the first line, so that the section shall read as follows:

Interpretation of "subsequent" for ss. 20, 21, 21b

- 21a. Where a penalty is provided in sections 20, 21 and 21b for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

R.S.O. 1960, c. 172, s. 23, repealed

15. Section 23 of *The Highway Traffic Act* is repealed.

SECTION 9. The amendment provides that a new resident of Ontario who holds a valid driver's licence from another province, country or state has thirty days within which to obtain an Ontario licence.

SECTION 10. The penalty respecting the operation of a motor vehicle without a chauffeur's licence is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 11. The penalty respecting production of licences is deleted and the general penalty in section 154, as amended in this Bill, will apply.

The provision requiring production of a chauffeur's licence for endorsement upon a conviction is repealed and a new subsection 2 is added to require a person who fails to produce his licence on demand to identify himself by some other means satisfactory to the constable.

SECTION 12. The penalty respecting driving under sixteen years of age is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 13. The penalty respecting the renting of motor vehicles to unlicensed drivers is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 14. The reference to section 155 is deleted as section 155 is repealed by this Bill.

SECTION 15. Section 23, which requires a convicting provincial judge to endorse the conviction on a driver's licence, is repealed.

SECTION 16. The present penalty of a fine for a first offence of \$25 to \$100 and imprisonment for up to thirty days is deleted and the penalty for a subsequent offence of \$100 to \$500 and imprisonment for up to six months will apply to all offences under this section.

SECTION 17—Subsection 1. The present fines for first, second and subsequent offences are deleted and a fine of \$10 to \$50 is substituted.

Subsection 2. The present penalties for first, second and subsequent offences are deleted and a penalty of \$50 to \$200 and imprisonment of up to six months is substituted.

SECTION 18. The present penalties for contravention of section 32 are deleted and a fine of \$10 to \$50 is provided for failing to keep proper records and failure to report presence of vehicles in storage for more than two weeks, and a penalty of \$50 to \$200 and imprisonment up to thirty days is provided for defacing serial numbers, dealing in motor vehicles with serial numbers obliterated and failure to report damaged or bullet-marked vehicles.

SECTION 19—Subsection 1. The minimum and maximum fines respecting the sale of new motor vehicles without certain lamps and reflectors are increased from \$50 to \$100 and \$300 to \$500.

16. Section 26 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 26,
re-enacted

26. Every person who operates a motor vehicle the permit for which is under suspension or has been cancelled is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both.

Penalty for
operating
motor
vehicle
when
permit
suspended or
cancelled

17.—(1) Subsection 3 of section 31 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 31,
subs. 3,
re-enacted

- (3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50.

Fine for
conducting
business
without
licence

(2) Subsection 5 of the said section 31 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 31,
subs. 5,
re-enacted

- (5) Every person who obstructs, molests or interferes with any constable or officer in the performance of his duties under subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than six months, or to both.

Penalty for
inter-
ference with
constable

18. Subsection 6 of section 32 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 32,
subs. 6,
re-enacted

- (6) Every person who contravenes any of the provisions of,

Penalty

- (a) subsection 1 or 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50;

- (b) subsection 2, 3 or 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both.

19.—(1) Subsection 8 of section 33 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 33,
subs. 8,
re-enacted

Penalty

- (8) Every person who contravenes subsection 2 or 7 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 33,
subs. 11,
repealed

- (2) Subsection 11 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
subs. 15,
re-enacted

- (3) Subsection 15 of the said section 33 is repealed and the following substituted therefor:

Penalty

- (15) Every person who contravenes subsection 14 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5.

R.S.O. 1960,
c. 172, s. 33,
subs. 23,
repealed

- (4) Subsection 23 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
subs. 27,
repealed

- (5) Subsection 27 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
amended

- (6) The said section 33 is amended by adding thereto the following subsection:

Penalty

- (28a) Every person who contravenes any of the provisions of subsection 28 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 35,
subs. 6,
repealed

- 20.** Subsection 6 of section 35 of *The Highway Traffic Act*, as amended by subsection 2 of section 8 of *The Highway Traffic Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 172, s. 36,
amended

- 21.** Section 36 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Penalty

- (4) Every person who contravenes any of the provisions of this section or any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 37,
subs. 4,
repealed

- 22.** Subsection 4 of section 37 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 38,
subs. 4,
repealed

- 23.** Subsection 4 of section 38 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 38a
(1967, c. 35,
s. 4),
amended

- 24.** Section 38a of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1967*, is amended by adding thereto the following subsection:

Subsection 2. The penalty provisions respecting improper lights are deleted and the general penalty in section 154, as amended in this Bill, will apply.

Subsection 3. The reference to first, second and subsequent offences re lights on bicycles is deleted and a general fine of up to \$5 is provided.

Subsection 4. The penalty provisions respecting lights on number plates, parking lights and spotlamps, etc., are deleted and the general penalty in section 154, as amended in this Bill, will apply.

Subsection 5. The penalty provisions respecting lights on certain vehicles other than motor vehicles are deleted and the general penalty in section 154, as amended in this Bill, will apply.

Subsection 6. At present, the general penalty provisions apply to contraventions of subsection 28 respecting the sale of certain new motor vehicles without proper signalling devices. The amendment substitutes a fine from \$100 to \$500.

SECTION 20. The penalty provisions respecting braking systems are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 21. In place of the general penalty of \$5 to \$50 for a first offence now applicable, a fine of from \$100 to \$500 is provided for a contravention respecting the sale of brake fluid that does not comply with the standards set by regulation.

SECTION 22. The present penalty respecting motor vehicles not equipped with windshield wipers, etc., is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 23. The penalty provisions respecting tire requirements are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 24. The general penalty in section 154 now applies for non-compliance with the regulations respecting tire specifications. The amendment increases the fine.

SECTION 25. The present penalty provisions for first, second and subsequent offences respecting rebuilt tires are deleted and the fine increased to a minimum of \$100 and a maximum of \$500.

SECTION 26. The provisions respecting the use of safety glass are made applicable to such things as campers that are attached to the frame of motor vehicles, and the penalty for a contravention of these provisions is increased from the general penalty of \$20 to \$100, which would otherwise apply, to a penalty of from \$100 to \$500.

SECTION 27. The penalty provisions respecting mufflers and unnecessary noise, etc., are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 28. The amendment provides that a slow moving sign is not required on the rear of a farm tractor or implement of husbandry when it is directly crossing a highway.

SECTION 29. The reference to first, second and subsequent offences is deleted and a fine of up to \$5 is provided for offences respecting horse-drawn sleighs.

SECTION 30. The penalty provisions respecting attachments for drawing vehicles on a highway are deleted and the general penalty in section 154, as amended in this Bill, will apply.

- (3) Every person who contravenes any regulation made under clause *a*, *b* or *c* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

25. Subsection 4 of section 39 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 39,
subs. 4,
re-enacted

- (4) Every person who contravenes any of the provisions of subsection 2 or 3 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

26. Section 40 of *The Highway Traffic Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 172, s. 40,
amended

- (3) In this section, "motor vehicle" includes any apparatus or device that is permanently or temporarily attached to a motor vehicle, other than for the purpose of towing it, and in which a person can ride. Interpretation
- (4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

27. Subsection 6 of section 42 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1964*, is repealed. R.S.O. 1960,
c. 172, s. 42,
subs. 6
(1964, c. 38,
s. 5),
repealed

28. Subsection 1 of section 42a of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1968*, is amended by adding at the end thereof "except when directly crossing a highway", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 42a
(1968, c. 50,
s. 9),
subs. 1,
amended

- (1) Every farm tractor and self-propelled implement of husbandry when operated on a highway or any vehicle towed by either of them, shall have a slow moving vehicle sign attached to the rear thereof in accordance with the regulations, except when directly crossing a highway. Slow
moving
vehicle
signs

29. Subsection 2 of section 43 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 43,
subs. 2,
re-enacted

- (2) Every person who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5. Penalty

30. Subsection 2 of section 45 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 45,
subs. 2,
repealed

R.S.O. 1960,
c. 172, s. 47,
subs. 3,
(1964, c. 38,
s. 6),
re-enacted

31. Subsection 3 of section 47 of *The Highway Traffic Act*, as enacted by section 6 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Penalty

- (3) Every driver of a motor vehicle who refuses or fails to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Notice
requiring
examination
and tests

- (3a) Subsection 3 does not apply unless the constable or officer under subsection 1 has given to the driver of the motor vehicle a written notice in the form prescribed by the Lieutenant Governor in Council requiring the driver to submit the motor vehicle, together with its equipment and any trailer attached thereto, to examination and tests.

R.S.O. 1960,
c. 172,
amended

32. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations
re inspection
of certain
motor
vehicles

47a. The Lieutenant Governor in Council may make regulations,

- (a) requiring the owners of commercial motor vehicles, or any type or class thereof, uninsured motor vehicles, and motor vehicles that have been involved in accidents that are reportable under section 143 to submit them to inspection;
- (b) prescribing the inspection procedures, inspection requirements and performance standards required for such motor vehicles;
- (c) prohibiting the operation on a highway of motor vehicles that do not comply with such requirements and standards, and providing for the seizure of the registration plates of such motor vehicles and for holding them until the motor vehicle is made to comply with such requirements and standards.

R.S.O. 1960,
c. 172, s. 50a
(1966, c. 64,
s. 10),
amended

33. Section 50a of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1966* and amended by section 11 of *The Highway Traffic Amendment Act, 1968*, is further amended by adding thereto the following subsection:

SECTION 31. The minimum fine of \$10 and maximum fine of \$50 for failure to submit a motor vehicle for examination as required by a constable is increased to \$50 and \$100 respectively and provision is made requiring the constable to give the driver a written notice.

SECTION 32. Self-explanatory.

SECTION 33. The fine for failure to use the safety devices in accordance with the regulations is increased from the general penalty of section 154, as amended in this Bill, (\$20-\$100) to a fine of from \$100 to \$500.

SECTION 34. The reference to first, second and subsequent offences is deleted and the general penalty in section 154, as amended in this Bill, will apply with respect to the names of owners on commercial vehicles and to reflectors while a different fine is provided respecting the sale of new commercial motor vehicles not equipped with certain lamps and reflectors as required by subsection 2a of section 51.

SECTION 35. A sliding scale of fines is provided respecting gross weight of vehicles instead of the present penalties provided for first, second and subsequent offences.

- (3) Every person who contravenes any of the provisions ^{Penalty} of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

34. Subsection 4 of section 51 of *The Highway Traffic Act* ^{R.S.O. 1960,} is repealed and the following substituted therefor: ^{c. 172, s. 51,}
^{subs. 4,}
^{re-enacted}

- (4) Every person who contravenes any of the provisions ^{Penalty} of subsection 2a is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

35. Subsection 7 of section 52 of *The Highway Traffic Act* ^{R.S.O. 1960,} is repealed and the following substituted therefor: ^{c. 172, s. 52,}
^{subs. 7,}
^{re-enacted}

- (7) Every person who contravenes any of the provisions ^{Penalty} of subsection 2, 2a, 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of,

- (a) 50 cents per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is less than 5,000 pounds;
- (b) \$1 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 5,000 pounds or more but is less than 10,000 pounds;
- (c) \$2 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 10,000 pounds or more but is less than 15,000 pounds;
- (d) \$3 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 15,000 pounds or more but is less than 20,000 pounds;
- (e) \$4 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 20,000 pounds or more but is less than 30,000 pounds;
- (f) \$5 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 30,000 pounds or more.

R.S.O. 1960,
c. 172, s. 53,
subs. 6,
re-enacted

36. Subsection 6 of section 53 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section as if no special permit had been issued.

R.S.O. 1960,
c. 172, s. 54,
subs. 6,
re-enacted

37. Subsection 6 of section 54 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 7 of section 52 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid.

R.S.O. 1960,
c. 172, s. 55,
subs. 2,
re-enacted

38.—(1) Subsection 2 of section 55 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty
on driver

- (2) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

R.S.O. 1960,
c. 172, s. 55,
subs. 5,
re-enacted

(2) Subsection 5 of the said section 55 is repealed and the following substituted therefor:

Penalty

- (5) Every person who contravenes any of the provisions of subsection 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

R.S.O. 1960,
c. 172, s. 56,
subs. 3,
re-enacted

39. Subsection 3 of section 56 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (3) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and

SECTION 36. The minimum fine respecting permits for the moving of heavy loads is increased from \$50 to \$100 and in addition a fine is to be imposed for any overload under section 52.

SECTION 37. The penalty provisions respecting the carrying of loads in excess of that for which a permit is issued are revised to apply the sliding scale of fines under section 52, as amended in this Bill, and the Registrar may suspend registration until the vehicle is reregistered at the maximum gross weight.

SECTION 38. The reference to first, second and subsequent offences is deleted and the fine will be from \$50 to \$100.

SECTION 39. The reference to first, second and subsequent offences is deleted and the fine respecting overhanging loads, etc., is set at from \$50 to \$100 and the suspension provision is retained.

SECTION 40. The minimum and maximum fines respecting the carrying of dangerous materials are increased.

SECTION 41—Subsection 1. The amendment increases the permissible length for combinations from 60 to 65 feet.

Subsection 2. The reference to first, second and subsequent offences is deleted and the fine respecting maximum dimensions of commercial motor vehicles is set at from \$50 to \$100 and the power to suspend a permit is retained.

SECTION 42—Subsection 1. The authority of the Lieutenant Governor in Council to make regulations designating construction zones is transferred to the Minister.

Subsection 2. The general penalty for speeding is revised to provide a sliding scale of fines.

not more than \$100 and in addition his licence or permit may be suspended for a period of not more than sixty days.

40. Subsection 2 of section 57 of *The Highway Traffic Act* R.S.O. 1960, c. 172, s. 57, subs. 2, re-enacted is repealed and the following substituted therefor:

- (2) Every person who contravenes any of the provisions Penalty of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than three months, or to both.

41.—(1) Subsection 2a of section 58 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1962-63*, is amended by striking out “60” in R.S.O. 1960, c. 172, s. 58, subs. 2a (1962-63, c. 56, s. 12), amended the sixth line and inserting in lieu thereof “65”, so that the subsection shall read as follows:

- (2a) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 55, including load or contents, shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 65 feet. Length of vehicle or combination

(2) Subsection 5 of the said section 58 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 58, subs. 5, re-enacted

- (5) Every person who contravenes any of the provisions Penalty of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100 and in addition his permit may be suspended for not more than six months.

42.—(1) Subsection 11a of section 59 of *The Highway Traffic Act*, as enacted by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1967*, is amended by striking out “Lieutenant Governor in Council” in the first line R.S.O. 1960, c. 172, s. 59, subs. 11a (1967, c. 35, s. 9, subs. 2), amended and inserting in lieu thereof “Minister”, so that the subsection shall read as follows:

- (11a) The Minister may designate any part of the King’s Highway as a construction zone, and every construction zone shall be marked by signs in accordance with the regulations. Construction zones

(2) Subsection 12 of the said section 59 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 59, subs. 12, re-enacted

Penalty

(12) Every person who contravenes any of the provisions of this section or any by-law or regulation made under this section is guilty of an offence and on summary conviction is liable, where the rate of speed at which the motor vehicle was driven,

(a) is less than 10 miles per hour over the maximum speed limit, to a fine of \$2 for each mile per hour that the motor vehicle was driven over the maximum speed limit;

(b) is 10 miles per hour or more but less than 20 miles per hour over the maximum speed limit, to a fine of \$3 for each mile per hour that the motor vehicle was driven over the maximum speed limit;

(c) is 20 miles per hour or more but less than 30 miles per hour over the maximum speed limit, to a fine of \$4 for each mile per hour that the motor vehicle was driven over the maximum speed limit; and

(d) is 30 miles per hour or more over the maximum speed limit, to a fine of \$5 for each mile per hour that the motor vehicle was driven over the maximum speed limit.

R.S.O. 1960,
c. 172, s. 60,
re-enacted

43. Section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless
driving

60. Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 61,
subs. 2,
repealed

44. Subsection 2 of section 61 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 62,
subs. 2,
repealed

45. Subsection 2 of section 62 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 67a
(1964, c. 38,
s. 8),
subs. 6,
repealed

46. Subsection 6 of section 67a of *The Highway Traffic Act*, as enacted by section 8 of *The Highway Traffic Amendment Act, 1964*, is repealed.

SECTION 43. The minimum fine is increased from \$10 to \$100 and the term of imprisonment of up to three months is increased to six months and can be imposed in addition to the fine.

SECTION 44. The penalty for interfering with a speed notice on a bridge is deleted as this offence is covered in section 100.

SECTION 45. The penalty provisions respecting unnecessary slow driving are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 46. The fine of \$5 to \$50 respecting pedestrian crossovers is deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 47. Clause *b* at present prohibits driving to the left of the centre of the roadway when approaching within 100 feet of or traversing a level crossing or an intersection except when a left turn is to be made at an intersection. The clause, as re-enacted, will apply only to approaching within 100 feet of a level crossing.

SECTION 48. The penalty provisions respecting moving from roadway to roadway on divided highways is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 49. Self-explanatory.

SECTION 50. The penalty provisions, which apply to many of the rules of the road, such as, yield right-of-way, stop, signalling turns, signal lights, improper passing, etc., and provide for different fines for first, second and subsequent offences are deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 51. The penalty provisions respecting approaching and passing street cars are deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 52. The penalty provisions respecting approaching ridden or driven horses are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 53. The penalty provision respecting parking rules of the road is revised to delete the reference to first and subsequent offences and to provide a fine of from \$5 to \$50.

SECTION 54. The section repealed creates the offence of drunken driving of a vehicle or of a horse or other animal. This section is sufficiently covered in the Criminal Code and is not used.

SECTION 55. Subsection 2 is revised to provide a general penalty for racing on a highway in place of the present penalties for first and subsequent offences of fines, imprisonment and suspension of licence.

47. Clause *b* of section 72 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 72,
cl. *b*,
re-enacted

(*b*) when approaching within 100 feet of a level crossing,

48. Subsection 2 of section 77 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 77,
subs. 2,
repealed

49. Subsection 1 of section 79 of *The Highway Traffic Act* is amended by adding after "sounding" in the third line "or a lamp located on the roof of the vehicle is producing intermittent flashes of red light", so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 79,
subs. 1,
amended

(1) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle, upon which a bell or siren is sounding or a lamp located on the roof of the vehicle is producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection.

Fire
department
vehicle,
etc.,
approaching

50. Section 85 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 85,
repealed

51. Subsection 3 of section 86 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 86,
subs. 3,
repealed

52. Subsection 2 of section 87 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 87,
subs. 2,
repealed

53. Subsection 10 of section 89 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 89,
subs. 10,
re-enacted

(10) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$50.

Penalty

54. Section 90 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 90,
repealed

55. Subsection 2 of section 91 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 91,
subs. 2,
re-enacted

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100

Penalty

and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 92,
subs. 2,
repealed **56.** Subsection 2 of section 92 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 93,
subs. 2,
repealed **57.** Subsection 2 of section 93 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 94,
subs. 2
(1966, c. 64,
s. 17,
subs. 2),
amended **58.**—(1) Clause *b* of subsection 2 of section 94 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 17 of *The Highway Traffic Amendment Act, 1966*, is amended by striking out “separate roadways” in the second line and inserting in lieu thereof “a median strip”, so that the clause shall read as follows:

(b) when meeting on such a highway, other than a highway with a median strip, a school bus on the front of which two red signal-lights are illuminated with intermittent flashes,

R.S.O. 1960,
c. 172, s. 95,
subs. 2,
repealed **59.** Subsection 2 of section 95 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 98,
re-enacted **60.** Section 98 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Littering
highway
prohibited **98.** Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway.

R.S.O. 1960,
c. 172, s. 100,
re-enacted **61.** Section 100 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Defacing or
removing
notices or
obstructions **100.** Every person who wilfully removes, defaces or in any manner interferes with any notice or obstruction lawfully placed on a highway is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960,
c. 172,
s. 100a,
subs. 1
(1966, c. 64,
s. 19),
re-enacted **62.** Subsection 1 of section 100a of *The Highway Traffic Act*, as re-enacted by section 19 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor:

SECTION 56. The reference to first, second and subsequent offences for horse racing on a highway is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 57. The penalty provisions respecting the stopping of buses, etc., at railway crossings is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 58. The amendment is for the purpose of clarification by referring to a median strip which is defined in section 1 rather than a highway with separate roadways.

SECTION 59. The penalty provisions respecting soliciting rides, etc., are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 60. The present penalties for first, second and subsequent offences are deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 61. The present penalty for a first offence is deleted and the penalty for a subsequent offence of a fine of \$100 to \$500 and imprisonment of up to six months is retained as a general penalty for any such offence. It is provided that the act of defacing, etc., must be wilful.

SECTION 62. The present section authorizes the making of regulations to regulate or prohibit the use of a controlled-access highway by pedestrians, etc. This authority is extended to the King's Highway.

SECTION 63. The penalty provision respecting riding in house or boat trailers is deleted and the general penalty in section 154, as amended in this Bill, will apply. No change in penalty.

SECTION 64. Part IX, dealing with traction engines on highways, is now redundant and is repealed.

SECTIONS 65 AND 66. The amendments are complementary to the amendment to *The Insurance Act* increasing the minimum automobile public liability coverage from \$35,000 to \$50,000.

- (1) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of any part of the King's Highway by pedestrians or animals or any class or classes of vehicles. Regulating or prohibiting use of parts of King's Highway by pedestrians, etc.

63. Subsection 2 of section 100c of *The Highway Traffic Act*, as enacted by section 24 of *The Highway Traffic Amendment Act, 1968*, is repealed. R.S.O. 1960, c. 172, s. 100c (1968, c. 50, s. 24), subs. 2, repealed

64. Part IX of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, Pt. IX (ss. 101-104), repealed

65. Section 117 of *The Highway Traffic Act*, as re-enacted by section 14 of *The Highway Traffic Amendment Act, 1961-62*, is amended by striking out "\$35,000" in the fourth line and inserting in lieu thereof "\$50,000" and by striking out "\$30,000" in the fourth line of clause *a* and inserting in lieu thereof "\$45,000", so that the section shall read as follows: R.S.O. 1960, c. 172, s. 117 (1961-62, c. 52, s. 14), amended

117. Subject to subsection 3 of section 118, every driver and owner to whom this Part applies shall give proof of financial responsibility in an amount of at least \$50,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, Amounts of financial responsibility

(a) claims arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to the amount of \$45,000; and

(b) claims arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to the amount of \$5,000,

and, in the case of an owner, such proof shall be given in respect of each motor vehicle registered in his name.

66. Clause *c* of subsection 1 of section 118 of *The Highway Traffic Act*, as amended by section 15 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "\$35,000" in the amendment of 1961-62 and inserting in lieu thereof "\$50,000", so that the clause shall read as follows: R.S.O. 1960, c. 172, s. 118, subs. 1, cl. c, amended

- (c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in money or securities

the amount or value of \$50,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

R.S.O. 1960,
c. 172, s. 143,
subs. 1,
re-enacted

67.—(1) Subsection 1 of section 143 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Duty to
report
accident

- (1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding \$200 report the accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information concerning the accident as may be required by the officer under subsection 3.

R.S.O. 1960,
c. 172, s. 143,
subs. 4,
re-enacted;
subss. 5, 6,
repealed

(2) Subsections 4, 5 and 6 of the said section 143 are repealed and the following substituted therefor:

Report of
police
officer

- (4) The report of a police officer under subsection 3 shall be in such form as is approved by the Minister.

R.S.O. 1960,
c. 172,
s. 143a
(1960-61,
c. 34, s. 15),
subs. 2,
re-enacted

68. Subsection 2 of section 143a of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Penalty

- (2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 144,
subs. 2,
repealed

69. Subsection 2 of section 144 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172,
amended

70. *The Highway Traffic Act* is amended by adding thereto the following section:

Report of
optometrist
1961-62,
c. 101

145b.—(1) Every optometrist registered under *The Optometry Act, 1961-62* shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon

SECTION 67—Subsection 1. The amendment increases from \$100 to \$200 the amount of damage in respect of which a report of the accident is required to be made and deletes the provision authorizing the police officer or the Registrar to require a written statement.

Subsection 2. Subsection 4, authorizing the Registrar to require additional information from any person involved in the accident and subsection 5, making written reports privileged, are repealed. Subsection 6, providing a penalty for failure to report an accident or give information is deleted and the general penalty in section 154, as amended in this Bill, will apply. The new subsection 4 requires the report of the police officer to be in such form as is approved by the Minister under clause *a* of section 146.

SECTION 68. The present fine for failure to remain at the scene of an accident is a fine of up to \$500. The amendment provides for a minimum fine of \$100.

SECTION 69. The reference to first, second and subsequent offences for failure to report property damage to trees, fences, etc., is deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 70. This section is similar to section 145*a* requiring medical doctors to report to the Registrar.

SECTION 71. Section 151, providing for the distribution of fines, is repealed as obsolete as all fines for contravention of the Act are now payable to the Treasurer of Ontario.

SECTION 72. The reference to first, second and subsequent offences is deleted and a general penalty of from \$20 to \$100 is provided for contraventions of the Act and regulations where no other penalty is provided.

SECTION 73. The second, third and subsequent approach to penalties has been deleted by the amendments to the various penalty provisions in this Bill. Section 155 which defines second, third and subsequent offences is therefor repealed.

SECTION 74. Subsection 2 is revised to delete references to,

1. Subsections 1, 3 and 5 of section 8 (failing to have plates properly attached and exposed);
2. Clause *e* of subsection 1 of section 9 (failing to notify the Department of a purchase or sale of a vehicle for which a permit has been issued);

and to add the following references:

1. Subsection 2 of sections 14 and 17 (driver failing to identify himself);
2. Clause *d* of subsection 12 of section 59 (speeding 30 miles per hour or more over the maximum speed limit);
3. Clause *a* of section 143*a* (failing to remain at the scene of an accident).

SECTION 75. As the second, third and subsequent offence procedure has been discontinued, clause *c* authorizing a judge to impound a motor vehicle following a third conviction is repealed.

the optometrist for optometric services who, in the opinion of such optometrist, is suffering from an eye condition that may make it dangerous for such person to operate a motor vehicle.

- (2) No action shall be brought against a qualified optometrist for complying with this section. No action for compliance with subs. 1
- (3) The report referred to in subsection 1 is privileged for the information of the Registrar only and shall not be open for public inspection, and such report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection 1. Reports privileged

71. Section 151 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 151. repealed

72. Section 154 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 154 re-enacted

154. Every person who contravenes any of the provisions of this Act or of any regulation is guilty of an offence and on summary conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$20 and not more than \$100. General penalty

73. Section 155 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 155. repealed

74. Subsection 2 of section 156 of *The Highway Traffic Act*, as amended by section 16 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 156, subs. 2, re-enacted

- (2) Every constable, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 1 of section 7; clause *a*, *b*, *c* or *d* of subsection 1 of section 9; subsection 1 of section 10; subsection 2 of section 14; subsection 2 of section 17; subsection 2 or 3 of section 25; section 26; clause *d* of subsection 12 of section 59; section 60, 91 or 100 or clause *a* of section 143*a* has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not. Arrests by constable without warrant

75. Subsection 1 of section 157 of *The Highway Traffic Act*, as amended by subsection 1 of section 17 of *The Highway Traffic Amendment Act, 1964*, is further amended by striking out "or" at the end of clause *b* and by striking out clause *c*, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 157, subs. 1, amended

Impounding
motor
vehicle

(1) In the event of,

(a) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or

(b) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada),

the magistrate or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

Commence-
ment

76.—(1) This Act, except subsection 1 of section 2, sections 3 to 8, sections 10 to 14, sections 16 to 27, sections 29 to 40, subsection 2 of section 41, subsection 2 of section 42, sections 43 to 46, sections 48 to 53, sections 55 to 61, section 63, sections 65 to 70 and sections 72 to 75, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 2, sections 3 to 8, sections 10 to 14, sections 16 to 27, sections 29 to 31, sections 33 to 40, subsection 2 of section 41, subsection 2 of section 42, sections 43 to 46, sections 48 to 53, sections 55 to 61, section 63, sections 65 and 66, sections 68 to 70 and sections 72 to 75 come into force on the 1st day of September, 1969.

Idem

(3) Sections 32 and 67 come into force on the 1st day of January, 1970.

Short title

77. This Act may be cited as *The Highway Traffic Amendment Act, 1968-69*.

An Act to amend
The Highway Traffic Act

1st Reading

March 31st, 1969

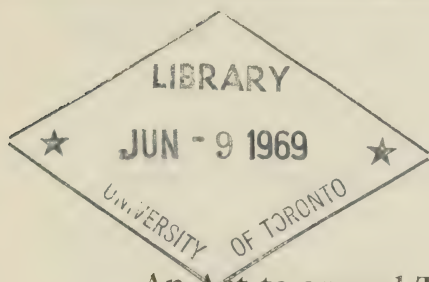
2nd Reading

3rd Reading

MR. HASKETT

BILL 105

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Highway Traffic Act

MR. HASKETT

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. “Median strip” is defined for the purposes of the Act.

Subsection 2. “Self-propelled implement of husbandry” is redefined for the purposes of clarification.

Subsection 3. Subsection 3 is revised to confine its application to Part VII, respecting speed.

SECTION 2. The penalty provisions are removed from subsection 1 and the general penalty in section 154, as amended in this Bill, will apply. The new subsection 1*a* is complementary to “self-propelled implement of husbandry”, as redefined in section 1, and provides for the registration of such vehicles except as provided in subsection 1*a*.

BILL 105

1968-69

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended
- 12a. "median strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a strip of pavement of more than ten feet in width, a physical barrier or an unpaved strip of ground.
- (2) Paragraph 24a of subsection 1 of the said section 1, as enacted by section 1 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, par. 24a (1966, c. 64, s. 1), re-enacted
- 24a. "self-propelled implement of husbandry" means a self-propelled vehicle manufactured, designed, re-designed, converted or reconstructed for a specific use in farming.
- (3) Subsection 3 of the said section 1, as enacted by subsection 4 of section 1 of *The Highway Traffic Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 3 (1965, c. 46, s. 1, subs. 4), re-enacted
- (3) For the purposes of Part VII and any regulations or municipal by-laws made thereunder, every overpass and underpass shall be deemed to form part of the highway that it connects. Overpass and underpass
- 2.—(1) Subsection 1 of section 6 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 6, subs. 1 (1962-63, c. 56, s. 2), re-enacted
- (1) The owner of every motor vehicle, trailer or conversion unit shall register it with the Department before driving or operating it or causing it to be Registration of motor vehicles

driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle, trailer or conversion unit and for the number plates therefor.

R.S.O. 1960,
c. 172, s. 6,
amended

(2) The said section 6 is amended by adding thereto the following subsection:

Self-propelled
implement
of
husbandry

(1a) Subsection 1 applies to a self-propelled implement of husbandry that is operated on a highway other than when travelling from farm to farm in relation to the specific use for which it was manufactured, designed, redesigned, converted or reconstructed or in travelling to or from such places as may be necessary for the maintenance or repair of the vehicle.

R.S.O. 1960,
c. 172, s. 7,
subs. 1,
re-enacted

3.—(1) Subsection 1 of section 7 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty for
false
statement

(1) Every person who knowingly makes any false statement in any application, declaration, affidavit or paper writing required by this Act or by the regulations or by the Department, is guilty of an offence and on summary conviction, in addition to any other penalty or punishment to which he may be liable, is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a period of not more than six months.

R.S.O. 1960,
c. 172, s. 7,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Notice of
change of
address

(2) Where an owner changes his address as given under subsection 2 of section 6 or under this subsection, he shall within six days send by registered mail or cause to be filed in the Department his change of address.

R.S.O. 1960,
c. 172, s. 8,
subss. 2, 4, 7,
repealed

4. Subsections 2, 4 and 7 of section 8 of *The Highway Traffic Act* are repealed.

R.S.O. 1960,
c. 172, s. 9,
re-enacted

5. Section 9 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1965* and section 3 of *The Highway Traffic Amendment Act, 1968*, is repealed and the following substituted therefor:

Violations
as to
number
plates

9.—(1) Every person who,

(a) defaces or alters any number plate furnished by the Department;

SECTION 3—Subsection 1. A fine of \$50 to \$200 for any contravention of subsection 1 is substituted for the fines for a first and subsequent offence.

Subsection 2. The penalty provisions are removed and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 4. The penalty provisions are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 5. Section 9 is revised to provide a minimum fine of \$50 in relation to offences under subsection 1 and to delete the other penalty provisions and apply the general penalty in section 154, as amended in this Bill.

SECTION 6—Subsection 1. The penalty provision is deleted and the general penalty in section 154, as amended in this Bill, will apply.

Subsection 2. Fines for subsequent offences are removed and a fine of not less than \$5 and not more than \$10 is substituted for contravention of subsection 3 respecting obstruction of plates by dirt, spare tires, etc.

SECTION 7. The penalty provisions re driving without an operator's licence are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 8. The penalty respecting production of licences is deleted and the general penalty in section 154, as amended in this Bill, will apply.

The provision requiring production of an operator's licence for endorsement upon a conviction is repealed and a new subsection 2 is added to require a person who fails to produce his licence on demand to identify himself by some other means satisfactory to the constable.

- (b) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle, trailer or conversion unit;
- (c) without the authority of the owner, removes a number plate from a motor vehicle, trailer or conversion unit;
- (d) uses or permits the use of any number plate upon a motor vehicle, trailer or conversion unit, except the one issued by the Department for the motor vehicle, trailer or conversion unit,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500 or to imprisonment for not more than thirty days, or to both, and in addition his licence or permit may be suspended for not more than six months.

- (2) Every person shall, within six days, forward to the Department a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle, trailer or conversion unit for which a permit has been issued. Notice of purchase of motor vehicle, etc.
- (3) Every number plate furnished by the Department under this Act is the property of the Crown and shall be returned to the Department when required by the Department. Number plates property of Crown

6.—(1) Subsection 2 of section 10 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 10, subs. 2, repealed

(2) Subsection 4 of the said section 10 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 10, subs. 4, re-enacted

- (4) Every person who contravenes any of the provisions of subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$10. Penalty

7. Subsection 2 of section 13 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 13, subs. 2, repealed

8. Subsections 2, 3 and 4 of section 14 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 14, subs. 2, re-enacted; subs. 3, 4, repealed

Identifica-
tion on
failure to
produce
licence

- (2) Every person who is unable or refuses to produce his licence in accordance with subsection 1 shall, when requested by a constable, give reasonable identification of himself and, for the purposes of this subsection, the correct name and address of such person shall be deemed to be reasonable identification.

R.S.O. 1960,
c. 172, s. 15,
(1966, c. 64,
s. 4),
amended

9. Section 15 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1966* and amended by section 5 of *The Highway Traffic Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Exemption
of new
residents

- (2) Sections 13 and 16 and any regulation made thereunder do not apply to a person for thirty days after he has become a resident of Ontario if during such period he holds a subsisting driver's licence in accordance with the laws of the province, country or state of which he was a resident immediately before becoming a resident of Ontario.

R.S.O. 1960,
c. 172, s. 16,
subs. 2,
repealed

10. Subsection 2 of section 16 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 17,
subs. 2,
re-enacted;
subss. 3, 4,
repealed

11. Subsections 2, 3 and 4 of section 17 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Identifica-
tion on
failure to
produce
licence

- (2) Every person who is unable or refuses to produce his licence in accordance with subsection 1 shall, when requested by a constable, give reasonable identification of himself and, for the purposes of this subsection, the correct name and address of such person shall be deemed to be reasonable identification.

R.S.O. 1960,
c. 172, s. 18,
subs. 4,
repealed

12. Subsection 4 of section 18 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 19,
subs. 4,
repealed

13. Subsection 4 of section 19 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 21a
(1960-61,
c. 34, s. 4),
amended

14. Section 21a of *The Highway Traffic Act*, as enacted by section 4 of *The Highway Traffic Amendment Act, 1960-61* and amended by section 5 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "Notwithstanding section 155" in the first line, so that the section shall read as follows:

Interpreta-
tion of
"subse-
quent" for
ss. 20, 21,
21b

- 21a. Where a penalty is provided in sections 20, 21 and 21b for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

SECTION 9. The amendment provides that a new resident of Ontario who holds a valid driver's licence from another province, country or state has thirty days within which to obtain an Ontario licence.

SECTION 10. The penalty respecting the operation of a motor vehicle without a chauffeur's licence is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 11. The penalty respecting production of licences is deleted and the general penalty in section 154, as amended in this Bill, will apply.

The provision requiring production of a chauffeur's licence for endorsement upon a conviction is repealed and a new subsection 2 is added to require a person who fails to produce his licence on demand to identify himself by some other means satisfactory to the constable.

SECTION 12. The penalty respecting driving under sixteen years of age is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 13. The penalty respecting the renting of motor vehicles to unlicensed drivers is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 14. The reference to section 155 is deleted as section 155 is repealed by this Bill.

SECTION 15. Section 23, which requires a convicting provincial judge to endorse the conviction on a driver's licence, is repealed.

SECTION 16. The present penalty of a fine for a first offence of \$25 to \$100 and imprisonment for up to thirty days is deleted and the penalty for a subsequent offence of \$100 to \$500 and imprisonment for up to six months will apply to all offences under this section.

SECTION 17—Subsection 1. The present fines for first, second and subsequent offences are deleted and a fine of \$10 to \$50 is substituted.

Subsection 2. The present penalties for first, second and subsequent offences are deleted and a penalty of \$50 to \$200 and imprisonment of up to six months is substituted.

SECTION 18. The present penalties for contravention of section 32 are deleted and a fine of \$10 to \$50 is provided for failing to keep proper records and failure to report presence of vehicles in storage for more than two weeks, and a penalty of \$50 to \$200 and imprisonment up to thirty days is provided for defacing serial numbers, dealing in motor vehicles with serial numbers obliterated and failure to report damaged or bullet-marked vehicles.

SECTION 19—Subsection 1. The minimum and maximum fines respecting the sale of new motor vehicles without certain lamps and reflectors are increased from \$50 to \$100 and \$300 to \$500.

15. Section 23 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 23, repealed

16. Section 26 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 26, re-enacted

26. Every person who operates a motor vehicle the permit for which is under suspension or has been cancelled is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both. Penalty for operating motor vehicle when permit suspended or cancelled

17.—(1) Subsection 3 of section 31 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 31, subs. 3, re-enacted

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50. Fine for conducting business without licence

(2) Subsection 5 of the said section 31 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 31, subs. 5, re-enacted

(5) Every person who obstructs, molests or interferes with any constable or officer in the performance of his duties under subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than six months, or to both. Penalty for interference with constable

18. Subsection 6 of section 32 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 32, subs. 6, re-enacted

(6) Every person who contravenes any of the provisions of, Penalty

(a) subsection 1 or 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50;

(b) subsection 2, 3 or 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both.

19.—(1) Subsection 8 of section 33 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 8, re-enacted

Penalty (8) Every person who contravenes subsection 2 or 7 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 33,
subs. 11,
repealed

(2) Subsection 11 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
subs. 15,
re-enacted

(3) Subsection 15 of the said section 33 is repealed and the following substituted therefor:

Penalty

(15) Every person who contravenes subsection 14 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5.

R.S.O. 1960,
c. 172, s. 33,
subs. 23,
repealed

(4) Subsection 23 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
subs. 27,
repealed

(5) Subsection 27 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
amended

(6) The said section 33 is amended by adding thereto the following subsection:

Penalty

(28a) Every person who contravenes any of the provisions of subsection 28 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 35,
subs. 6,
repealed

20. Subsection 6 of section 35 of *The Highway Traffic Act*, as amended by subsection 2 of section 8 of *The Highway Traffic Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 172, s. 36,
amended

21. Section 36 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Penalty

(4) Every person who contravenes any of the provisions of this section or any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 37,
subs. 4,
repealed

22. Subsection 4 of section 37 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 38,
subs. 4,
repealed

23. Subsection 4 of section 38 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 38a
(1967, c. 35,
s. 4),
amended

24. Section 38a of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1967*, is amended by adding thereto the following subsection:

Subsection 2. The penalty provisions respecting improper lights are deleted and the general penalty in section 154, as amended in this Bill, will apply.

Subsection 3. The reference to first, second and subsequent offences re lights on bicycles is deleted and a general fine of up to \$5 is provided.

Subsection 4. The penalty provisions respecting lights on number plates, parking lights and spotlamps, etc., are deleted and the general penalty in section 154, as amended in this Bill, will apply.

Subsection 5. The penalty provisions respecting lights on certain vehicles other than motor vehicles are deleted and the general penalty in section 154, as amended in this Bill, will apply.

Subsection 6. At present, the general penalty provisions apply to contraventions of subsection 28 respecting the sale of certain new motor vehicles without proper signalling devices. The amendment substitutes a fine from \$100 to \$500.

SECTION 20. The penalty provisions respecting braking systems are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 21. In place of the general penalty of \$5 to \$50 for a first offence now applicable, a fine of from \$100 to \$500 is provided for a contravention respecting the sale of brake fluid that does not comply with the standards set by regulation.

SECTION 22. The present penalty respecting motor vehicles not equipped with windshield wipers, etc., is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 23. The penalty provisions respecting tire requirements are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 24. The general penalty in section 154 now applies for non-compliance with the regulations respecting tire specifications. The amendment increases the fine.

SECTION 25. The present penalty provisions for first, second and subsequent offences respecting rebuilt tires are deleted and the fine increased to a minimum of \$100 and a maximum of \$500.

SECTION 26. The provisions respecting the use of safety glass are made applicable to such things as campers that are attached to the frame of motor vehicles, and the penalty for a contravention of these provisions is increased from the general penalty of \$20 to \$100, which would otherwise apply, to a penalty of from \$100 to \$500.

SECTION 27. The penalty provisions respecting mufflers and unnecessary noise, etc., are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 28. The amendment provides that a slow moving sign is not required on the rear of a farm tractor or implement of husbandry when it is directly crossing a highway.

SECTION 29. The reference to first, second and subsequent offences is deleted and a fine of up to \$5 is provided for offences respecting horse-drawn sleighs.

SECTION 30. The penalty provisions respecting attachments for drawing vehicles on a highway are deleted and the general penalty in section 154, as amended in this Bill, will apply.

- (3) Every person who contravenes any regulation made under clause *a*, *b* or *c* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

25. Subsection 4 of section 39 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 39,
subs. 4,
re-enacted

- (4) Every person who contravenes any of the provisions of subsection 2 or 3 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

26. Section 40 of *The Highway Traffic Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 172, s. 40,
amended

- (3) In this section, "motor vehicle" includes any apparatus or device that is permanently or temporarily attached to a motor vehicle, other than for the purpose of towing it, and in which a person can ride. Interpreta-
tion

- (4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

27. Subsection 6 of section 42 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1964*, is repealed. R.S.O. 1960,
c. 172, s. 42,
subs. 6
(1964, c. 38,
s. 5),
repealed

28. Subsection 1 of section 42a of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1968*, is amended by adding at the end thereof "except when directly crossing a highway", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 42a
(1968, c. 50,
s. 9),
subs. 1,
amended

- (1) Every farm tractor and self-propelled implement of husbandry when operated on a highway or any vehicle towed by either of them, shall have a slow moving vehicle sign attached to the rear thereof in accordance with the regulations, except when directly crossing a highway. Slow
moving
vehicle
signs

29. Subsection 2 of section 43 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 43,
subs. 2,
re-enacted

- (2) Every person who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5. Penalty

30. Subsection 2 of section 45 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 45,
subs. 2,
repealed

R.S.O. 1960,
c. 172, s. 47,
subs. 3,
(1964, c. 38,
s. 6),
re-enacted

31. Subsection 3 of section 47 of *The Highway Traffic Act*, as enacted by section 6 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Penalty

- (3) Every driver of a motor vehicle who refuses or fails to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Notice
requiring
examination
and tests

- (3a) Subsection 3 does not apply unless the constable or officer under subsection 1 has given to the driver of the motor vehicle a written notice in the form prescribed by the Lieutenant Governor in Council requiring the driver to submit the motor vehicle, together with its equipment and any trailer attached thereto, to examination and tests.

R.S.O. 1960,
c. 172,
amended

32. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations
re inspection
of certain
motor
vehicles

47a. The Lieutenant Governor in Council may make regulations,

- (a) requiring the owners of commercial motor vehicles, or any type or class thereof, uninsured motor vehicles, and motor vehicles that have been involved in accidents that are reportable under section 143 to submit them to inspection;
- (b) prescribing the inspection procedures, inspection requirements and performance standards required for such motor vehicles;
- (c) prohibiting the operation on a highway of motor vehicles that do not comply with such requirements and standards, and providing for the seizure of the registration plates of such motor vehicles and for holding them until the motor vehicle is made to comply with such requirements and standards.

R.S.O. 1960,
c. 172, s. 50a
(1966, c. 64,
s. 10),
amended

33. Section 50a of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1966* and amended by section 11 of *The Highway Traffic Amendment Act, 1968*, is further amended by adding thereto the following subsection:

SECTION 31. The minimum fine of \$10 and maximum fine of \$50 for failure to submit a motor vehicle for examination as required by a constable is increased to \$50 and \$100 respectively and provision is made requiring the constable to give the driver a written notice.

SECTION 32. Self-explanatory.

SECTION 33. The fine for failure to use the safety devices in accordance with the regulations is increased from the general penalty of section 154, as amended in this Bill, (\$20-\$100) to a fine of from \$100 to \$500.

SECTION 34. The reference to first, second and subsequent offences is deleted and the general penalty in section 154, as amended in this Bill, will apply with respect to the names of owners on commercial vehicles and to reflectors while a different fine is provided respecting the sale of new commercial motor vehicles not equipped with certain lamps and reflectors as required by subsection 2*a* of section 51.

SECTION 35. A sliding scale of fines is provided respecting gross weight of vehicles instead of the present penalties provided for first, second and subsequent offences.

- (3) Every person who contravenes any of the provisions ^{Penalty} of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

34. Subsection 4 of section 51 of *The Highway Traffic Act* ^{R.S.O. 1960, c. 172, s. 51, subs. 4, re-enacted} is repealed and the following substituted therefor:

- (4) Every person who contravenes any of the provisions ^{Penalty} of subsection 2a is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

35. Subsection 7 of section 52 of *The Highway Traffic Act* ^{R.S.O. 1960, c. 172, s. 52, subs. 7, re-enacted} is repealed and the following substituted therefor:

- (7) Every person who contravenes any of the provisions ^{Penalty} of subsection 2, 2a, 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of,

- (a) 50 cents per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is less than 5,000 pounds;
- (b) \$1 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 5,000 pounds or more but is less than 10,000 pounds;
- (c) \$2 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 10,000 pounds or more but is less than 15,000 pounds;
- (d) \$3 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 15,000 pounds or more but is less than 20,000 pounds;
- (e) \$4 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 20,000 pounds or more but is less than 30,000 pounds;
- (f) \$5 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 30,000 pounds or more.

R.S.O. 1960,
c. 172, s. 53,
subs. 6,
re-enacted

36. Subsection 6 of section 53 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section as if no special permit had been issued.

R.S.O. 1960,
c. 172, s. 54,
subs. 6,
re-enacted

37. Subsection 6 of section 54 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 7 of section 52 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid.

R.S.O. 1960,
c. 172, s. 55,
subs. 2,
re-enacted

38.—(1) Subsection 2 of section 55 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty
on driver

- (2) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

R.S.O. 1960,
c. 172, s. 55,
subs. 5,
re-enacted

(2) Subsection 5 of the said section 55 is repealed and the following substituted therefor:

Penalty

- (5) Every person who contravenes any of the provisions of subsection 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

R.S.O. 1960,
c. 172, s. 56,
subs. 3,
re-enacted

39. Subsection 3 of section 56 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (3) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and

SECTION 36. The minimum fine respecting permits for the moving of heavy loads is increased from \$50 to \$100 and in addition a fine is to be imposed for any overload under section 52.

SECTION 37. The penalty provisions respecting the carrying of loads in excess of that for which a permit is issued are revised to apply the sliding scale of fines under section 52, as amended in this Bill, and the Registrar may suspend registration until the vehicle is reregistered at the maximum gross weight.

SECTION 38. The reference to first, second and subsequent offences is deleted and the fine will be from \$50 to \$100.

SECTION 39. The reference to first, second and subsequent offences is deleted and the fine respecting overhanging loads, etc., is set at from \$50 to \$100 and the suspension provision is retained.

SECTION 40. The minimum and maximum fines respecting the carrying of dangerous materials are increased.

SECTION 41—Subsection 1. The amendment increases the permissible length for combinations from 60 to 65 feet.

Subsection 2. The reference to first, second and subsequent offences is deleted and the fine respecting maximum dimensions of commercial motor vehicles is set at from \$50 to \$100 and the power to suspend a permit is retained.

SECTION 42—Subsection 1. The authority of the Lieutenant Governor in Council to make regulations designating construction zones is transferred to the Minister.

Subsection 2. The general penalty for speeding is revised to provide a sliding scale of fines.

not more than \$100 and in addition his licence or permit may be suspended for a period of not more than sixty days.

40. Subsection 2 of section 57 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 57,
subs. 2,
re-enacted

- (2) Every person who contravenes any of the provisions of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than three months, or to both.

Penalty

41.—(1) Subsection 2a of section 58 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1962-63*, is amended by striking out “60” in the sixth line and inserting in lieu thereof “65”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 58,
subs. 2a
(1962-63,
c. 56, s. 12),
amended

- (2a) No vehicle, other than a public vehicle or a semi-trailer as defined in clause b of subsection 6 of section 55, including load or contents, shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 65 feet.

Length of
vehicle or
combination

(2) Subsection 5 of the said section 58 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 58,
subs. 5,
re-enacted

- (5) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100 and in addition his permit may be suspended for not more than six months.

Penalty

42.—(1) Subsection 11a of section 59 of *The Highway Traffic Act*, as enacted by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1967*, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 59,
subs. 11a
(1967, c. 35,
s. 9,
subs. 2),
amended

- (11a) The Minister may designate any part of the King’s Highway as a construction zone, and every construction zone shall be marked by signs in accordance with the regulations.

Construction
zones

(2) Subsection 12 of the said section 59 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 59,
subs. 12,
re-enacted

Penalty

(12) Every person who contravenes any of the provisions of this section or any by-law or regulation made under this section is guilty of an offence and on summary conviction is liable, where the rate of speed at which the motor vehicle was driven,

(a) is less than 10 miles per hour over the maximum speed limit, to a fine of \$2 for each mile per hour that the motor vehicle was driven over the maximum speed limit;

(b) is 10 miles per hour or more but less than 20 miles per hour over the maximum speed limit, to a fine of \$3 for each mile per hour that the motor vehicle was driven over the maximum speed limit;

(c) is 20 miles per hour or more but less than 30 miles per hour over the maximum speed limit, to a fine of \$4 for each mile per hour that the motor vehicle was driven over the maximum speed limit; and

(d) is 30 miles per hour or more over the maximum speed limit, to a fine of \$5 for each mile per hour that the motor vehicle was driven over the maximum speed limit.

R.S.O. 1960,
c. 172, s. 60,
re-enacted

43. Section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless driving

60. Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 61,
subs. 2,
repealed

44. Subsection 2 of section 61 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 62,
subs. 2,
repealed

45. Subsection 2 of section 62 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 67a
(1964, c. 38,
s. 8),
subs. 6,
repealed

46. Subsection 6 of section 67a of *The Highway Traffic Act*, as enacted by section 8 of *The Highway Traffic Amendment Act, 1964*, is repealed.

SECTION 43. The minimum fine is increased from \$10 to \$100 and the term of imprisonment of up to three months is increased to six months and can be imposed in addition to the fine.

SECTION 44. The penalty for interfering with a speed notice on a bridge is deleted as this offence is covered in section 100.

SECTION 45. The penalty provisions respecting unnecessary slow driving are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 46. The fine of \$5 to \$50 respecting pedestrian crossovers is deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 47. Clause *b* at present prohibits driving to the left of the centre of the roadway when approaching within 100 feet of or traversing a level railway crossing or an intersection except when a left turn is to be made at an intersection. The clause, as re-enacted, will apply only to approaching within 100 feet of a level railway crossing.

SECTION 48. The penalty provisions respecting moving from roadway to roadway on divided highways is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 49. Self-explanatory.

SECTION 50. The penalty provisions, which apply to many of the rules of the road, such as, yield right-of-way, stop, signalling turns, signal lights, improper passing, etc., and provide for different fines for first, second and subsequent offences are deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 51. The penalty provisions respecting approaching and passing street cars are deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 52. The penalty provisions respecting approaching ridden or driven horses are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 53. The penalty provision respecting parking rules of the road is revised to delete the reference to first and subsequent offences and to provide a fine of from \$5 to \$50.

SECTION 54. The section repealed creates the offence of drunken driving of a vehicle or of a horse or other animal. This section is sufficiently covered in the Criminal Code and is not used.

SECTION 55. Subsection 2 is revised to provide a general penalty for racing on a highway in place of the present penalties for first and subsequent offences of fines, imprisonment and suspension of licence.

47. Clause *b* of section 72 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 72,
cl. b,
re-enacted

- (*b*) when approaching within 100 feet of a level railway crossing,

48. Subsection 2 of section 77 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 77,
subs. 2,
repealed

49. Subsection 1 of section 79 of *The Highway Traffic Act* is amended by adding after "sounding" in the third line "or a lamp located on the roof of the vehicle is producing intermittent flashes of red light", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 79,
subs. 1,
amended

- (1) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle, upon which a bell or siren is sounding or a lamp located on the roof of the vehicle is producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection. Fire
department
vehicle,
etc.,
approaching

50. Section 85 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 85,
repealed

51. Subsection 3 of section 86 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 86,
subs. 3,
repealed

52. Subsection 2 of section 87 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 87,
subs. 2,
repealed

53. Subsection 10 of section 89 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 89,
subs. 10,
re-enacted

- (10) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$50. Penalty

54. Section 90 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 90,
repealed

55. Subsection 2 of section 91 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 91,
subs. 2,
re-enacted

- (2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 Penalty

and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 92,
subs. 2,
repealed **56.** Subsection 2 of section 92 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 93,
subs. 2,
repealed **57.** Subsection 2 of section 93 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 94,
subs. 2
(1966, c. 64,
s. 17,
subs. 2),
amended **58.**—(1) Clause *b* of subsection 2 of section 94 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 17 of *The Highway Traffic Amendment Act, 1966*, is amended by striking out “separate roadways” in the second line and inserting in lieu thereof “a median strip”, so that the clause shall read as follows:

(*b*) when meeting on such a highway, other than a highway with a median strip, a school bus on the front of which two red signal-lights are illuminated with intermittent flashes,

R.S.O. 1960,
c. 172, s. 95,
subs. 2,
repealed **59.** Subsection 2 of section 95 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 98,
re-enacted **60.** Section 98 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Littering
highway
prohibited

98. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway.

R.S.O. 1960,
c. 172, s. 100,
re-enacted **61.** Section 100 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Defacing or
removing
notices or
obstructions

100. Every person who wilfully removes, defaces or in any manner interferes with any notice or obstruction lawfully placed on a highway is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960,
c. 172,
s. 100a,
subs. 1
(1966, c. 64,
s. 19),
re-enacted **62.** Subsection 1 of section 100a of *The Highway Traffic Act*, as re-enacted by section 19 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor:

SECTION 56. The reference to first, second and subsequent offences for horse racing on a highway is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 57. The penalty provisions respecting the stopping of buses, etc., at railway crossings is deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 58. The amendment is for the purpose of clarification by referring to a median strip which is defined in section 1 rather than a highway with separate roadways.

SECTION 59. The penalty provisions respecting soliciting rides, etc., are deleted and the general penalty in section 154, as amended in this Bill, will apply.

SECTION 60. The present penalties for first, second and subsequent offences are deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 61. The present penalty for a first offence is deleted and the penalty for a subsequent offence of a fine of \$100 to \$500 and imprisonment of up to six months is retained as a general penalty for any such offence. It is provided that the act of defacing, etc., must be wilful.

SECTION 62. The present section authorizes the making of regulations to regulate or prohibit the use of a controlled-access highway by pedestrians, etc. This authority is extended to the King's Highway.

SECTION 63. The penalty provision respecting riding in house or boat trailers is deleted and the general penalty in section 154, as amended in this Bill, will apply. No change in penalty.

SECTION 64. Part IX, dealing with traction engines on highways, is now redundant and is repealed.

SECTIONS 65 AND 66. The amendments are complementary to the amendment to *The Insurance Act* increasing the minimum automobile public liability coverage from \$35,000 to \$50,000.

- (1) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of any part of the King's Highway by pedestrians or animals or any class or classes of vehicles.

Regulating or prohibiting use of parts of King's Highway by pedestrians, etc.

63. Subsection 2 of section 100c of *The Highway Traffic Act*, as enacted by section 24 of *The Highway Traffic Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 172, s. 100c (1968, c. 50, s. 24), subs. 2, repealed

64. Part IX of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, Pt. IX (ss. 101-104), repealed

65. Section 117 of *The Highway Traffic Act*, as re-enacted by section 14 of *The Highway Traffic Amendment Act, 1961-62*, is amended by striking out "\$35,000" in the fourth line and inserting in lieu thereof "\$50,000" and by striking out "\$30,000" in the fourth line of clause *a* and inserting in lieu thereof "\$45,000", so that the section shall read as follows:

R.S.O. 1960, c. 172, s. 117 (1961-62, c. 52, s. 14), amended

117. Subject to subsection 3 of section 118, every driver and owner to whom this Part applies shall give proof of financial responsibility in an amount of at least \$50,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property,

Amounts of financial responsibility

- (a) claims arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to the amount of \$45,000; and
- (b) claims arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to the amount of \$5,000,

and, in the case of an owner, such proof shall be given in respect of each motor vehicle registered in his name.

66. Clause *c* of subsection 1 of section 118 of *The Highway Traffic Act*, as amended by section 15 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "\$35,000" in the amendment of 1961-62 and inserting in lieu thereof "\$50,000", so that the clause shall read as follows:

R.S.O. 1960, c. 172, s. 118, subs. 1, cl. c, amended

- (c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in

money or securities

the amount or value of \$50,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

R.S.O. 1960,
c. 172, s. 143,
subs. 1,
re-enacted

67.—(1) Subsection 1 of section 143 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Duty to
report
accident

- (1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding \$200 report the accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information concerning the accident as may be required by the officer under subsection 3.

R.S.O. 1960,
c. 172, s. 143,
subs. 4,
re-enacted;
subss. 5, 6,
repealed

(2) Subsections 4, 5 and 6 of the said section 143 are repealed and the following substituted therefor:

Report of
police
officer

- (4) The report of a police officer under subsection 3 shall be in such form as is approved by the Minister.

R.S.O. 1960,
c. 172,
s. 143a
(1960-61,
c. 34, s. 15),
subs. 2,
re-enacted

68. Subsection 2 of section 143a of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Penalty

- (2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 144,
subs. 2,
repealed

69. Subsection 2 of section 144 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172,
amended

70. *The Highway Traffic Act* is amended by adding thereto the following section:

Report of
optometrist
1961-62,
c. 101

- 145b.—(1) Every optometrist registered under *The Optometry Act, 1961-62* shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon

SECTION 67—Subsection 1. The amendment increases from \$100 to \$200 the amount of damage in respect of which a report of the accident is required to be made and deletes the provision authorizing the police officer or the Registrar to require a written statement.

Subsection 2. Subsection 4, authorizing the Registrar to require additional information from any person involved in the accident and subsection 5, making written reports privileged, are repealed. Subsection 6, providing a penalty for failure to report an accident or give information is deleted and the general penalty in section 154, as amended in this Bill, will apply. The new subsection 4 requires the report of the police officer to be in such form as is approved by the Minister under clause *a* of section 146.

SECTION 68. The present fine for failure to remain at the scene of an accident is a fine of up to \$500. The amendment provides for a minimum fine of \$100.

SECTION 69. The reference to first, second and subsequent offences for failure to report property damage to trees, fences, etc., is deleted and the general penalty in section 154, as amended in this Bill, (\$20-\$100) will apply.

SECTION 70. This section is similar to section 145*a* requiring medical doctors to report to the Registrar.

SECTION 71. Section 151, providing for the distribution of fines, is repealed as obsolete as all fines for contravention of the Act are now payable to the Treasurer of Ontario.

SECTION 72. The reference to first, second and subsequent offences is deleted and a general penalty of from \$20 to \$100 is provided for contraventions of the Act and regulations where no other penalty is provided.

SECTION 73. The second, third and subsequent approach to penalties has been deleted by the amendments to the various penalty provisions in this Bill. Section 155 which defines second, third and subsequent offences is therefor repealed.

SECTION 74. Subsection 2 is revised to delete references to,

1. Subsection 2 of section 7 (failing to notify the Department of change of address);
2. Subsections 1, 3 and 5 of section 8 (failing to have plates properly attached and exposed);
3. Clause *e* of subsection 1 of section 9 (failing to notify the Department of a purchase or sale of a vehicle for which a permit has been issued);

and to add the following references:

1. Subsection 2 of sections 14 and 17 (driver failing to identify himself);
2. Clause *a* of section 143*a* (failing to remain at the scene of an accident).

SECTION 75. As the second, third and subsequent offence procedure has been discontinued, clause *c* authorizing a judge to impound a motor vehicle following a third conviction is repealed.

the optometrist for optometric services who, in the opinion of such optometrist, is suffering from an eye condition that may make it dangerous for such person to operate a motor vehicle.

- (2) No action shall be brought against a qualified optometrist for complying with this section. No action for compliance with subs. 1

- (3) The report referred to in subsection 1 is privileged for the information of the Registrar only and shall not be open for public inspection, and such report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection 1. Reports privileged

71. Section 151 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 151, repealed

72. Section 154 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 154 re-enacted

154. Every person who contravenes any of the provisions of this Act or of any regulation is guilty of an offence and on summary conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$20 and not more than \$100. General penalty

73. Section 155 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 155, repealed

74. Subsection 2 of section 156 of *The Highway Traffic Act*, as amended by section 16 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 156, subs. 2, re-enacted

- (2) Every constable, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 1 of section 7; clause *a*, *b*, *c* or *d* of subsection 1 of section 9; subsection 1 of section 10; subsection 2 of section 14; subsection 2 of section 17; subsection 2 or 3 of section 25; section 26; section 60, 91 or 100 or clause *a* of section 143*a* has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not. Arrests by constable without warrant

75. Subsection 1 of section 157 of *The Highway Traffic Act*, as amended by subsection 1 of section 17 of *The Highway Traffic Amendment Act, 1964*, is further amended by striking out "or" at the end of clause *b* and by striking out clause *c*, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 157, subs. 1, amended

Impounding
motor
vehicle

(1) In the event of,

(a) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or

1953-54,
c. 51 (Can.)

(b) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada),

the magistrate or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

Commence-
ment

76.—(1) This Act, except subsection 1 of section 2, sections 3 to 8, sections 10 to 14, sections 16 to 27, sections 29 to 40, subsection 2 of section 41, subsection 2 of section 42, sections 43 to 46, sections 48 to 53, sections 55 to 61, section 63, sections 65 to 70 and sections 72 to 75, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 2, sections 3 to 8, sections 10 to 14, sections 16 to 27, sections 29 to 31, sections 33 to 40, subsection 2 of section 41, subsection 2 of section 42, sections 43 to 46, sections 48 to 53, sections 55 to 61, section 63, sections 65 and 66, sections 68 to 70 and sections 72 to 75 come into force on the 1st day of September, 1969.

Idem

(3) Sections 32 and 67 come into force on the 1st day of January, 1970.

Short title

77. This Act may be cited as *The Highway Traffic Amendment Act, 1968-69*.

An Act to amend
The Highway Traffic Act

1st Reading

March 31st, 1969

2nd Reading

April 24th, 1969

3rd Reading

MR. HASKETT

(Reprinted as amended by
the Committee of the Whole House)

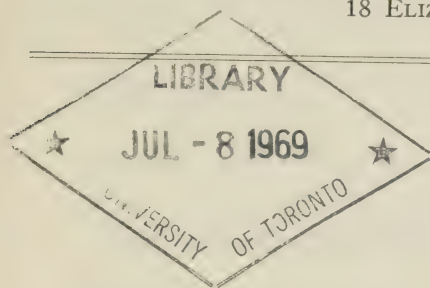
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BILL 105

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Highway Traffic Act

MR. HASKETT

BILL 105

1968-69

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

12a. “median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a strip of pavement of more than ten feet in width, a physical barrier or an unpaved strip of ground.

(2) Paragraph 24a of subsection 1 of the said section 1, as enacted by section 1 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 1, par. 24a (1966, c. 64, s. 1), re-enacted

24a. “self-propelled implement of husbandry” means a self-propelled vehicle manufactured, designed, re-designed, converted or reconstructed for a specific use in farming.

(3) Subsection 3 of the said section 1, as enacted by subsection 4 of section 1 of *The Highway Traffic Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 3 (1965, c. 46, s. 1, subs. 4), re-enacted

(3) For the purposes of Part VII and any regulations or municipal by-laws made thereunder, every overpass and underpass shall be deemed to form part of the highway that it connects. Overpass and underpass

2.—(1) Subsection 1 of section 6 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 6, subs. 1 (1962-63, c. 56, s. 2), re-enacted

(1) The owner of every motor vehicle, trailer or conversion unit shall register it with the Department of motor vehicles before driving or operating it or causing it to be

driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle, trailer or conversion unit and for the number plates therefor.

R.S.O. 1960,
c. 172, s. 6,
amended

(2) The said section 6 is amended by adding thereto the following subsection:

Self-
propelled
implement
of
husbandry

(1a) Subsection 1 applies to a self-propelled implement of husbandry that is operated on a highway other than when travelling from farm to farm in relation to the specific use for which it was manufactured, designed, redesigned, converted or reconstructed or in travelling to or from such places as may be necessary for the maintenance or repair of the vehicle.

R.S.O. 1960,
c. 172, s. 7,
subs. 1,
re-enacted

3.—(1) Subsection 1 of section 7 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty for
false
statement

(1) Every person who knowingly makes any false statement in any application, declaration, affidavit or paper writing required by this Act or by the regulations or by the Department, is guilty of an offence and on summary conviction, in addition to any other penalty or punishment to which he may be liable, is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a period of not more than six months.

R.S.O. 1960,
c. 172, s. 7,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Notice of
change of
address

(2) Where an owner changes his address as given under subsection 2 of section 6 or under this subsection, he shall within six days send by registered mail or cause to be filed in the Department his change of address.

R.S.O. 1960,
c. 172, s. 8,
subss. 2, 4, 7,
repealed

4. Subsections 2, 4 and 7 of section 8 of *The Highway Traffic Act* are repealed.

R.S.O. 1960,
c. 172, s. 9,
re-enacted

5. Section 9 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1965* and section 3 of *The Highway Traffic Amendment Act, 1968*, is repealed and the following substituted therefor:

Violations
as to
number
plates

9.—(1) Every person who,

(a) defaces or alters any number plate furnished by the Department;

- (b) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle, trailer or conversion unit;
- (c) without the authority of the owner, removes a number plate from a motor vehicle, trailer or conversion unit;
- (d) uses or permits the use of any number plate upon a motor vehicle, trailer or conversion unit, except the one issued by the Department for the motor vehicle, trailer or conversion unit,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500 or to imprisonment for not more than thirty days, or to both, and in addition his licence or permit may be suspended for not more than six months.

- (2) Every person shall, within six days, forward to the Department a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle, trailer or conversion unit for which a permit has been issued. Notice of purchase of motor vehicle, etc.
- (3) Every number plate furnished by the Department under this Act is the property of the Crown and shall be returned to the Department when required by the Department. Number plates property of Crown

6.—(1) Subsection 2 of section 10 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 10, subs. 2, repealed

(2) Subsection 4 of the said section 10 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 10, subs. 4, re-enacted

- (4) Every person who contravenes any of the provisions of subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$10. Penalty

7. Subsection 2 of section 13 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 13, subs. 2, repealed

8. Subsections 2, 3 and 4 of section 14 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 14, subs. 2, re-enacted; subs. 3, 4, repealed

Identifica-
tion on
failure to
produce
licence

- (2) Every person who is unable or refuses to produce his licence in accordance with subsection 1 shall, when requested by a constable, give reasonable identification of himself and, for the purposes of this subsection, the correct name and address of such person shall be deemed to be reasonable identification.

R.S.O. 1960,
c. 172, s. 15,
(1966, c. 64,
s. 4),
amended

9. Section 15 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1966* and amended by section 5 of *The Highway Traffic Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Exemption
of new
residents

- (2) Sections 13 and 16 and any regulation made thereunder do not apply to a person for thirty days after he has become a resident of Ontario if during such period he holds a subsisting driver's licence in accordance with the laws of the province, country or state of which he was a resident immediately before becoming a resident of Ontario.

R.S.O. 1960,
c. 172, s. 16,
subs. 2,
repealed

10. Subsection 2 of section 16 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 17,
subs. 2,
re-enacted;
subs. 3, 4,
repealed

11. Subsections 2, 3 and 4 of section 17 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Identifica-
tion on
failure to
produce
licence

- (2) Every person who is unable or refuses to produce his licence in accordance with subsection 1 shall, when requested by a constable, give reasonable identification of himself and, for the purposes of this subsection, the correct name and address of such person shall be deemed to be reasonable identification.

R.S.O. 1960,
c. 172, s. 18,
subs. 4,
repealed

12. Subsection 4 of section 18 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 19,
subs. 4,
repealed

13. Subsection 4 of section 19 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 21a
(1960-61,
c. 34, s. 4),
amended

14. Section 21a of *The Highway Traffic Act*, as enacted by section 4 of *The Highway Traffic Amendment Act, 1960-61* and amended by section 5 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "Notwithstanding section 155" in the first line, so that the section shall read as follows:

Interpreta-
tion of
"subse-
quent" for
ss. 20, 21,
21b

- 21a. Where a penalty is provided in sections 20, 21 and 21b for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

- 15.** Section 23 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 23, repealed
- 16.** Section 26 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 26, re-enacted
26. Every person who operates a motor vehicle the permit for which is under suspension or has been cancelled is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both. Penalty for operating motor vehicle when permit suspended or cancelled
- 17.—**(1) Subsection 3 of section 31 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 31, subs. 3, re-enacted
- (3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50. Fine for conducting business without licence
- (2) Subsection 5 of the said section 31 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 31, subs. 5, re-enacted
- (5) Every person who obstructs, molests or interferes with any constable or officer in the performance of his duties under subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than six months, or to both. Penalty for interference with constable
- 18.** Subsection 6 of section 32 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 32, subs. 6, re-enacted
- (6) Every person who contravenes any of the provisions of,
- (a) subsection 1 or 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50;
- (b) subsection 2, 3 or 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both.
- 19.—**(1) Subsection 8 of section 33 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 8, re-enacted

Penalty (8) Every person who contravenes subsection 2 or 7 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 33,
subs. 11,
repealed

(2) Subsection 11 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
subs. 15,
re-enacted

(3) Subsection 15 of the said section 33 is repealed and the following substituted therefor:

Penalty

(15) Every person who contravenes subsection 14 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5.

R.S.O. 1960,
c. 172, s. 33,
subs. 23,
repealed

(4) Subsection 23 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
subs. 27,
repealed

(5) Subsection 27 of the said section 33 is repealed.

R.S.O. 1960,
c. 172, s. 33,
amended

(6) The said section 33 is amended by adding thereto the following subsection:

Penalty

(28a) Every person who contravenes any of the provisions of subsection 28 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 35,
subs. 6,
repealed

20. Subsection 6 of section 35 of *The Highway Traffic Act*, as amended by subsection 2 of section 8 of *The Highway Traffic Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 172, s. 36,
amended

21. Section 36 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Penalty

(4) Every person who contravenes any of the provisions of this section or any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

R.S.O. 1960,
c. 172, s. 37,
subs. 4,
repealed

22. Subsection 4 of section 37 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 38,
subs. 4,
repealed

23. Subsection 4 of section 38 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 38a
(1967, c. 35,
s. 4),
amended

24. Section 38a of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1967*, is amended by adding thereto the following subsection:

- (3) Every person who contravenes any regulation made under clause *a*, *b* or *c* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

25. Subsection 4 of section 39 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 39,
subs. 4,
re-enacted

- (4) Every person who contravenes any of the provisions of subsection 2 or 3 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

26. Section 40 of *The Highway Traffic Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 172, s. 40,
amended

- (3) In this section, "motor vehicle" includes any apparatus or device that is permanently or temporarily attached to a motor vehicle, other than for the purpose of towing it, and in which a person can ride. Interpretation

- (4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Penalty

27. Subsection 6 of section 42 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1964*, is repealed. R.S.O. 1960,
c. 172, s. 42,
subs. 6
(1964, c. 38,
s. 5),
repealed

28. Subsection 1 of section 42*a* of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1968*, is amended by adding at the end thereof "except when directly crossing a highway", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 42*a*
(1968, c. 50,
s. 9),
subs. 1,
amended

- (1) Every farm tractor and self-propelled implement of husbandry when operated on a highway or any vehicle towed by either of them, shall have a slow moving vehicle sign attached to the rear thereof in accordance with the regulations, except when directly crossing a highway. Slow
moving
vehicle
signs

29. Subsection 2 of section 43 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 43,
subs. 2,
re-enacted

- (2) Every person who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5. Penalty

30. Subsection 2 of section 45 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 45,
subs. 2,
repealed

R.S.O. 1960,
c. 172, s. 47,
subs. 3,
(1964, c. 38,
s. 6),
re-enacted

31. Subsection 3 of section 47 of *The Highway Traffic Act*, as enacted by section 6 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Penalty

- (3) Every driver of a motor vehicle who refuses or fails to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Notice
requiring
examination
and tests

- (3a) Subsection 3 does not apply unless the constable or officer under subsection 1 has given to the driver of the motor vehicle a written notice in the form prescribed by the Lieutenant Governor in Council requiring the driver to submit the motor vehicle, together with its equipment and any trailer attached thereto, to examination and tests.

R.S.O. 1960,
c. 172,
amended

32. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations
re inspection
of certain
motor
vehicles

47a. The Lieutenant Governor in Council may make regulations,

- (a) requiring the owners of commercial motor vehicles, or any type or class thereof, uninsured motor vehicles, and motor vehicles that have been involved in accidents that are reportable under section 143 to submit them to inspection;
- (b) prescribing the inspection procedures, inspection requirements and performance standards required for such motor vehicles;
- (c) prohibiting the operation on a highway of motor vehicles that do not comply with such requirements and standards, and providing for the seizure of the registration plates of such motor vehicles and for holding them until the motor vehicle is made to comply with such requirements and standards.

R.S.O. 1960,
c. 172, s. 50a
(1966, c. 64,
s. 10),
amended

33. Section 50a of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1966* and amended by section 11 of *The Highway Traffic Amendment Act, 1968*, is further amended by adding thereto the following subsection:

- (3) Every person who contravenes any of the provisions ^{Penalty} of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

34. Subsection 4 of section 51 of *The Highway Traffic Act* <sup>R.S.O. 1960,
c. 172, s. 51,
subs. 4,
re-enacted</sup> is repealed and the following substituted therefor:

- (4) Every person who contravenes any of the provisions ^{Penalty} of subsection 2a is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

35. Subsection 7 of section 52 of *The Highway Traffic Act* <sup>R.S.O. 1960,
c. 172, s. 52,
subs. 7,
re-enacted</sup> is repealed and the following substituted therefor:

- (7) Every person who contravenes any of the provisions ^{Penalty} of subsection 2, 2a, 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of,

- (a) 50 cents per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is less than 5,000 pounds;
- (b) \$1 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 5,000 pounds or more but is less than 10,000 pounds;
- (c) \$2 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 10,000 pounds or more but is less than 15,000 pounds;
- (d) \$3 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 15,000 pounds or more but is less than 20,000 pounds;
- (e) \$4 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 20,000 pounds or more but is less than 30,000 pounds;
- (f) \$5 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 30,000 pounds or more.

R.S.O. 1960,
c. 172, s. 53,
subs. 6,
re-enacted

36. Subsection 6 of section 53 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section as if no special permit had been issued.

R.S.O. 1960,
c. 172, s. 54,
subs. 6,
re-enacted

37. Subsection 6 of section 54 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 7 of section 52 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid.

R.S.O. 1960,
c. 172, s. 55,
subs. 2,
re-enacted

38.—(1) Subsection 2 of section 55 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty
on driver

- (2) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

R.S.O. 1960,
c. 172, s. 55,
subs. 5,
re-enacted

(2) Subsection 5 of the said section 55 is repealed and the following substituted therefor:

Penalty

- (5) Every person who contravenes any of the provisions of subsection 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

R.S.O. 1960,
c. 172, s. 56,
subs. 3,
re-enacted

39. Subsection 3 of section 56 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

- (3) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and

not more than \$100 and in addition his licence or permit may be suspended for a period of not more than sixty days.

40. Subsection 2 of section 57 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 57,
subs. 2,
re-enacted

- (2) Every person who contravenes any of the provisions of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than three months, or to both.

Penalty

41.—(1) Subsection 2a of section 58 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1962-63*, is amended by striking out “60” in the sixth line and inserting in lieu thereof “65”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 58,
subs. 2a
(1962-63,
c. 56, s. 12),
amended

- (2a) No vehicle, other than a public vehicle or a semi-trailer as defined in clause b of subsection 6 of section 55, including load or contents, shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 65 feet.

Length of
vehicle or
combination

(2) Subsection 5 of the said section 58 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 58,
subs. 5,
re-enacted

- (5) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100 and in addition his permit may be suspended for not more than six months.

Penalty

42.—(1) Subsection 11a of section 59 of *The Highway Traffic Act*, as enacted by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1967*, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 59,
subs. 11a
(1967, c. 35,
s. 9,
subs. 2),
amended

- (11a) The Minister may designate any part of the King’s Highway as a construction zone, and every construction zone shall be marked by signs in accordance with the regulations.

Construction
zones

(2) Subsection 12 of the said section 59 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 59,
subs. 12,
re-enacted

Penalty

- (12) Every person who contravenes any of the provisions of this section or any by-law or regulation made under this section is guilty of an offence and on summary conviction is liable, where the rate of speed at which the motor vehicle was driven,
- (a) is less than 10 miles per hour over the maximum speed limit, to a fine of \$2 for each mile per hour that the motor vehicle was driven over the maximum speed limit;
 - (b) is 10 miles per hour or more but less than 20 miles per hour over the maximum speed limit, to a fine of \$3 for each mile per hour that the motor vehicle was driven over the maximum speed limit;
 - (c) is 20 miles per hour or more but less than 30 miles per hour over the maximum speed limit, to a fine of \$4 for each mile per hour that the motor vehicle was driven over the maximum speed limit; and
 - (d) is 30 miles per hour or more over the maximum speed limit, to a fine of \$5 for each mile per hour that the motor vehicle was driven over the maximum speed limit.

R.S.O. 1960,
c. 172, s. 60,
re-enacted

43. Section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless
driving

60. Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 61,
subs. 2,
repealed

44. Subsection 2 of section 61 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 62,
subs. 2,
repealed

45. Subsection 2 of section 62 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 67a
(1964, c. 38,
s. 8),
subs. 6,
repealed

46. Subsection 6 of section 67a of *The Highway Traffic Act*, as enacted by section 8 of *The Highway Traffic Amendment Act, 1964*, is repealed.

47. Clause *b* of section 72 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 72,
cl. *b*,
re-enacted

- (*b*) when approaching within 100 feet of a level railway crossing,

48. Subsection 2 of section 77 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 77,
subs. 2,
repealed

49. Subsection 1 of section 79 of *The Highway Traffic Act* is amended by adding after "sounding" in the third line "or a lamp located on the roof of the vehicle is producing intermittent flashes of red light", so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 79,
subs. 1,
amended

- (1) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle, upon which a bell or siren is sounding or a lamp located on the roof of the vehicle is producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection.

Fire
department
vehicle,
etc.,
approaching

50. Section 85 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 85,
repealed

51. Subsection 3 of section 86 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 86,
subs. 3,
repealed

52. Subsection 2 of section 87 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 87,
subs. 2,
repealed

53. Subsection 10 of section 89 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 89,
subs. 10,
re-enacted

- (10) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$5 and not more than \$50.

Penalty

54. Section 90 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 90,
repealed

55. Subsection 2 of section 91 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 91,
subs. 2,
re-enacted

- (2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100

Penalty

and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 92,
subs. 2,
repealed **56.** Subsection 2 of section 92 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 93,
subs. 2,
repealed **57.** Subsection 2 of section 93 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 94,
subs. 2
(1966, c. 64,
s. 17,
subs. 2),
amended **58.**—(1) Clause *b* of subsection 2 of section 94 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 17 of *The Highway Traffic Amendment Act, 1966*, is amended by striking out “separate roadways” in the second line and inserting in lieu thereof “a median strip”, so that the clause shall read as follows:

(*b*) when meeting on such a highway, other than a highway with a median strip, a school bus on the front of which two red signal-lights are illuminated with intermittent flashes,

R.S.O. 1960,
c. 172, s. 95,
subs. 2,
repealed **59.** Subsection 2 of section 95 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172, s. 98,
re-enacted **60.** Section 98 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Littering
highway
prohibited

98. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway.

R.S.O. 1960,
c. 172, s. 100,
re-enacted **61.** Section 100 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Defacing or
removing
notices or
obstructions

100. Every person who wilfully removes, defaces or in any manner interferes with any notice or obstruction lawfully placed on a highway is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960,
c. 172,
s. 100*a*,
subs. 1
(1966, c. 64,
s. 19),
re-enacted **62.** Subsection 1 of section 100*a* of *The Highway Traffic Act*, as re-enacted by section 19 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor:

- (1) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of any part of the King's Highway by pedestrians or animals or any class or classes of vehicles. Regulating or prohibiting use of parts of King's Highway by pedestrians, etc.

63. Subsection 2 of section 100c of *The Highway Traffic Act*, as enacted by section 24 of *The Highway Traffic Amendment Act, 1968*, is repealed. R.S.O. 1960, c. 172, s. 100c (1968, c. 50, s. 24), subs. 2, repealed

64. Part IX of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, Pt. IX (ss. 101-104), repealed

65. Section 117 of *The Highway Traffic Act*, as re-enacted by section 14 of *The Highway Traffic Amendment Act, 1961-62*, is amended by striking out "\$35,000" in the fourth line and inserting in lieu thereof "\$50,000" and by striking out "\$30,000" in the fourth line of clause *a* and inserting in lieu thereof "\$45,000", so that the section shall read as follows: R.S.O. 1960, c. 172, s. 117 (1961-62, c. 52, s. 14), amended

117. Subject to subsection 3 of section 118, every driver and owner to whom this Part applies shall give proof of financial responsibility in an amount of at least \$50,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, Amounts of financial responsibility

- (a) claims arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to the amount of \$45,000; and
- (b) claims arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to the amount of \$5,000,

and, in the case of an owner, such proof shall be given in respect of each motor vehicle registered in his name.

66. Clause *c* of subsection 1 of section 118 of *The Highway Traffic Act*, as amended by section 15 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "\$35,000" in the amendment of 1961-62 and inserting in lieu thereof "\$50,000", so that the clause shall read as follows: R.S.O. 1960, c. 172, s. 118, subs. 1, cl. c, amended

- (c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in money or securities

the amount or value of \$50,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

R.S.O. 1960,
c. 172, s. 143,
subs. 1,
re-enacted

67.—(1) Subsection 1 of section 143 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Duty to
report
accident

- (1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding \$200 report the accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information concerning the accident as may be required by the officer under subsection 3.

R.S.O. 1960,
c. 172, s. 143,
subs. 4,
re-enacted;
subss. 5, 6,
repealed

(2) Subsections 4, 5 and 6 of the said section 143 are repealed and the following substituted therefor:

Report of
police
officer

- (4) The report of a police officer under subsection 3 shall be in such form as is approved by the Minister.

R.S.O. 1960,
c. 172,
s. 143a
(1960-61,
c. 34, s. 15),
subs. 2,
re-enacted

68. Subsection 2 of section 143a of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Penalty

- (2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172, s. 144,
subs. 2,
repealed

69. Subsection 2 of section 144 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,
c. 172,
amended

70. *The Highway Traffic Act* is amended by adding thereto the following section:

Report of
optometrist
1961-62,
c. 101

- 145b.—(1) Every optometrist registered under *The Optometry Act, 1961-62* shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon

the optometrist for optometric services who, in the opinion of such optometrist, is suffering from an eye condition that may make it dangerous for such person to operate a motor vehicle.

- (2) No action shall be brought against a qualified optometrist for complying with this section. No action for compliance with subs. 1
- (3) The report referred to in subsection 1 is privileged for the information of the Registrar only and shall not be open for public inspection, and such report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection 1. Reports privileged

71. Section 151 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 151, repealed

72. Section 154 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 154 re-enacted

154. Every person who contravenes any of the provisions of this Act or of any regulation is guilty of an offence and on summary conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$20 and not more than \$100. General penalty

73. Section 155 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 155, repealed

74. Subsection 2 of section 156 of *The Highway Traffic Act*, as amended by section 16 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 156, subs. 2, re-enacted

- (2) Every constable, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 1 of section 7; clause *a*, *b*, *c* or *d* of subsection 1 of section 9; subsection 1 of section 10; subsection 2 of section 14; subsection 2 of section 17; subsection 2 or 3 of section 25; section 26; section 60, 91 or 100 or clause *a* of section 143*a* has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not. Arrests by constable without warrant

75. Subsection 1 of section 157 of *The Highway Traffic Act*, as amended by subsection 1 of section 17 of *The Highway Traffic Amendment Act, 1964*, is further amended by striking out "or" at the end of clause *b* and by striking out clause *c*, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 157, subs. 1, amended

Impounding
motor
vehicle

(1) In the event of,

(a) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or

1953-54,
c. 51 (Can.)

(b) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada),

the magistrate or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

Commence-
ment

76.—(1) This Act, except subsection 1 of section 2, sections 3 to 8, sections 10 to 14, sections 16 to 27, sections 29 to 40, subsection 2 of section 41, subsection 2 of section 42, sections 43 to 46, sections 48 to 53, sections 55 to 61, section 63, sections 65 to 70 and sections 72 to 75, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 2, sections 3 to 8, sections 10 to 14, sections 16 to 27, sections 29 to 31, sections 33 to 40, subsection 2 of section 41, subsection 2 of section 42, sections 43 to 46, sections 48 to 53, sections 55 to 61, section 63, sections 65 and 66, sections 68 to 70 and sections 72 to 75 come into force on the 1st day of September, 1969.

Idem

(3) Sections 32 and 67 come into force on the 1st day of January, 1970.

Short title

77. This Act may be cited as *The Highway Traffic Amendment Act, 1968-69*.

An Act to amend
The Highway Traffic Act

1st Reading

March 31st, 1969

2nd Reading

April 24th, 1969

3rd Reading

June 6th, 1969

MR. HASKETT

BILL 106

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Public Vehicles Act

MR. HASKETT

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

This amendment increases the minimum fine from \$20 to \$50.

BILL 106

1968-69

An Act to amend The Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Public Vehicles Act* is ^{R.S.O. 1960, c. 337, s. 23,} amended by striking out "\$20" in the fourth line and inserting ^{subs. 1,} in lieu thereof "\$50", so that the subsection shall read as ^{amended} follows:

- (1) Every person who contravenes any of the provisions ^{Offences} of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Public Vehicles Amendment* ^{Short title} Act, 1968-69.

An Act to amend The Public Vehicles Act

1st Reading

March 31st, 1969

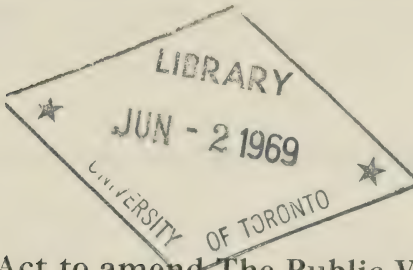
2nd Reading

3rd Reading

MR. HASKETT

BILL 106

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Public Vehicles Act

MR. HASKETT

BILL 106

1968-69

An Act to amend The Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Public Vehicles Act* is ^{R.S.O. 1960, c. 337, s. 23,} amended by striking out "\$20" in the fourth line and inserting ^{subs. 1,} in lieu thereof "\$50", so that the subsection shall read as ^{amended} follows:

- (1) Every person who contravenes any of the provisions ^{Offences} of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$200.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Public Vehicles Amendment* ^{Short title} Act, 1968-69.

An Act to amend The Public Vehicles Act

1st Reading

March 31st, 1969

2nd Reading

April 24th, 1969

3rd Reading

May 9th, 1969

MR. HASKETT

B
B 56

BILL 107

Public

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



The Energy Act, 1968-69

MR. SIMONETT

EXPLANATORY NOTES

GENERAL—The purpose of this revision is to make the administration of the Act more effective in the light of the experience gained under the present Act, thus improving the safety aspects of the production and storage of gas and oil and the transmission, distribution and use of gas, fuel oil and propane as defined in the Act.

SECTION 1. The terms "appliance", "contractor", "fuel oil", "gas", "inspector", "install", "manufactured gas", "pipe line", and "propane" are redefined; a number of terms, "hydrocarbon", "land", "person", "producer", "storage company" and "utility line" are deleted as being unnecessary for the purposes of the Act, and a number of new terms, "accessory", "operator", "pool" and "spacing unit" are added.

The Energy Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act and in the regulations,

Interpre-
tation

1. "accessory" means a part capable of performing one or more independent functions and contributing to the operation of the appliance that it serves;
2. "appliance" means a device using gas, fuel oil or propane as fuel, and includes all valves, fittings, controls and components attached or to be attached thereto;
3. "Board" means the Ontario Energy Board;
4. "contractor" means a person,
 - (i) who carries on the business of installing, removing, repairing or servicing appliances, or
 - (ii) who sells or leases and agrees to install appliances;
5. "Department" means the Department of Energy and Resources Management;
6. "distributor" means a person who supplies gas, fuel oil or propane to a consumer, and "distribute" and "distribution" have corresponding meanings;
7. "fuel oil" means any liquid hydrocarbon within the meaning from time to time of the Canadian Government Specifications Board specification 3-GP-2 entitled FUEL OIL, 3-GP-3 entitled KEROSENE,

3-GP-6 entitled DIESEL FUEL, or, when used for heating, cooking or lighting, within the meaning from time to time of 3-GP-27 entitled LIGHTING NAPHTHA;

8. "gas" means natural gas, manufactured gas, propane-air gas or any mixture of any of them;
9. "inspector" means an inspector appointed for the purposes of this Act and the regulations, and includes a chief inspector;
10. "install" means to place in position for permanent or temporary use;
11. "licence" means a licence issued under this Act;
12. "manufactured gas" means any artificially produced fuel gas, except acetylene and any other gas used principally in welding or cutting metals;
13. "Minister" means the Minister of Energy and Resources Management;
14. "oil" means crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well;
15. "operator",
 - (i) when used in respect of any operations carried on for the purpose of drilling or plugging a well, means a person who has the right as lessee, sub-lessee, assignee or owner to carry on the drilling or plugging operations, and the person who has the control or management of such operations, and
 - (ii) when used in respect of a well, means a person who has the right as lessee, sub-lessee, assignee or owner to the production from the well, and the person who has the control and management thereof, provided that such person either drilled or produced the well;
16. "permit" means a permit issued under this Act;
17. "pipe line" means a pipe that is used for the transmission or distribution of gas, oil, fuel oil or propane, and includes every part thereof and adjunct thereto;

SECTION 2. The scope is narrowed to restrict the powers of the inspectors.

18. "pool" means an underground accumulation of oil or natural gas or both, separated or appearing to be separated from any other such underground accumulation;
19. "prescribed" means prescribed by a regulation;
20. "propane" means a hydrocarbon consisting of 95 per cent or more of propane, propylene, butane or butylene or any blend thereof;
21. "registered" means registered under this Act, and "registration" has a corresponding meaning;
22. "regulation" means a regulation made under the authority of this Act;
23. "spacing unit" means a surface area established by a regulation for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation;
24. "transmission line" means a pipe line, other than a production line, a distribution line, a pipe line within an oil refinery, oil or petroleum storage depot, chemical processing plant or pipe line terminal or station;
25. "transmit" means to carry a hydrocarbon by transmission line, and "transmission" has a corresponding meaning;
26. "well" means a hole drilled into a geological formation of Cambrian or more recent age, except a hole where no gas or oil is encountered that is drilled for the production of fresh water or salt;
27. "work" means a pipe line or a well and every part thereof and adjunct thereto that is used in the drilling for or production of gas or oil or the storage or distribution of gas or fuel oil or the transmission of gas, oil, fuel oil or propane. 1964, c. 27, s. 1; 1965, c. 37, s. 1; 1967, c. 25, s. 1, *amended*.

2.—(1) One or more chief inspectors and inspectors may be appointed under *The Public Service Act, 1961-62* for the purposes of this Act and the regulations. 1964, c. 27, s. 2 (1), *amended*. Appointment of inspectors 1961-62, c. 121

Powers

(2) Every inspector may, for the purposes of this Act and the regulations,

- (a) enter any premises where he has reason to believe there has been, are or may be hazardous conditions relative to gas, oil, fuel oil or propane;
- (b) make such inspections, tests and inquiries as are necessary to ascertain whether this Act and the regulations have been or are being complied with;
- (c) take samples of any substance that he has reason to believe may relate to a contravention of this Act or a regulation; and
- (d) require the production of any licence or other document prescribed by a regulation, and examine and copy it. 1964, c. 27, s. 2 (2), *amended*.

Assistance

(3) The occupant of any premises and his servants, agents and employees shall give all reasonable assistance to an inspector in the exercise of his powers under this Act. 1964, c. 27, s. 2 (3), *amended*.

Not required to testify

(4) No inspector shall be required to give testimony in any civil suit with regard to information obtained by him in the exercise of his powers under this Act, except with the written permission of the Minister.

No personal liability

(5) No inspector is personally liable for anything done by him in the exercise of his powers under this Act. 1964, c. 27, s. 2 (6, 7), *amended*.

Inspector's instructions

3.—(1) An inspector may give instructions orally or in writing to any person with respect to any matter in order to bring about compliance with this Act and the regulations and may require his instructions to be carried out within such time as he specifies.

Written instructions

(2) Where a person to whom an inspector gives oral instructions under subsection 1 requests that the inspector put the instructions in writing, he shall do so. 1964, c. 27, s. 2 (4, 5), *amended*.

Inspectors may tag works

4.—(1) An inspector may tag an appliance, container or work in relation to which he has reason to believe that a contravention of this Act or a regulation has been, is being, or is about to be committed by attaching a prescribed tag to some part of the appliance, container or work.

SECTION 6. This section is new.

(2) An inspector who has tagged an appliance, container or work shall forthwith so notify, in writing, the person who appears to be in charge of the appliance, container or work. Notice

(3) No person shall alter, deface or destroy such an attached tag. Tag not to be destroyed

(4) No person, other than an inspector, shall remove such an attached tag. 1964, c. 27, s. 3 (1-3), *amended*. Tag not to be removed

(5) Except when authorized by an inspector, no person shall operate or remove gas, oil, fuel oil or propane from or knowingly supply gas, oil, fuel oil or propane to or use in any manner an appliance, container or work that bears a prescribed tag. 1964, c. 27, s. 3 (5), *amended*. Work not to be used

5.—(1) A person aggrieved by an instruction given under section 3 or a tag attached under section 4 may appeal to a chief inspector. Appeal to chief inspector

(2) Such appeal may be by telephone, and if requested by the chief inspector, shall be confirmed in writing. Idem

(3) Upon such an appeal the chief inspector may issue such instructions as he deems to be appropriate in the circumstances. 1964, c. 27, s. 4 (2-4), *amended*. Idem

6. No person shall without lawful authority tamper in any way with or remove any appliance, container or work which appears to have been involved in an asphyxiation, fire or explosion without the permission of an inspector. *New*. Tampering with or removal of equipment

7.—(1) No person shall,

(a) conduct geophysical or geochemical exploration for gas or oil; or No exploring, leasing or producing without licence

(b) lease gas or oil rights except from the Crown; or

(c) produce gas or oil,

unless he is the holder of a licence for such purpose.

(2) Failure to comply with subsection 1 does not affect the validity of any contract. 1964, c. 27, s. 5 (1). Contracts not affected

8. No person shall operate a machine for boring, drilling, deepening or plugging wells unless the machine is licensed. 1965, c. 37, s. 2. No well-drilling machine to be operated without licence

No well
to be
bored, etc.,
without
a permit

9. No person shall bore, drill or deepen a well unless he is the holder of a permit for such purpose. 1964, c. 27, s. 5 (3).

No gas to be
injected,
etc.,
without
permit

10.—(1) No person shall repressure, maintain pressure in or flood any gas, oil or water horizon by the injection of gas, oil, water or other substance unless he is the holder of a permit for such purpose.

Exception

(2) Subsection 1 does not apply to a person who injects gas for storage in a designated gas storage area.

Reference
to Board

(3) If, in the opinion of the Minister, the circumstances of a case so require, he may refer an application for a permit to repressure, maintain pressure in or flood a gas, oil or water horizon to the Board, and the Board shall report to the Minister thereon, but where, in the opinion of the Board, the circumstances of the case so require, the Board shall hold a hearing before reporting to the Minister. 1964, c. 27, s. 6, *amended*.

No trans-
mission or
distribution
without
licence

11.—(1) No person shall,

- (a) transmit or distribute gas, fuel oil or propane;
- (b) transfer propane from one pressure vessel to another pressure vessel; or
- (c) transport gas or propane by vehicle,

unless he is the holder of a licence for such purpose.

Contracts
not
affected

(2) Failure to comply with subsection 1 does not affect the validity of any contract. 1964, c. 27, s. 7 (1), *amended*.

Specifica-
tions for
appliances,
etc.

12. The Minister may establish or approve specifications or test reports for,

- (a) any appliance;
- (b) any accessory; or
- (c) any equipment, apparatus or other thing employed or to be employed in the distribution, storage or use of fuel oil or propane. *New*.

No sale,
etc., of
unapproved
appliances

13. No person shall offer for sale, sell, lease, rent, buy or install,

- (a) any appliance;
- (b) any accessory; or

SECTION 10. The effect of subsection 3 is to transfer from the Board to the Minister the final responsibility with reference to the granting of permits to repressure, maintain pressure in or flood any gas or oil horizon.

SECTION 11. Subsection 1 is expanded to include all fuels within the scope of the Act; subsection 2 is expanded to include accessories, equipment, etc.

SECTION 16. This provision is new.

- (c) any equipment, apparatus or other thing employed or to be employed in the distribution, storage or use of gas, fuel oil or propane,

unless it is approved pursuant to a regulation. 1964, c. 27, s. 7 (2), *amended*.

14. No person shall carry on the business of installing, repairing, servicing or removing appliances unless he is registered for the purpose. 1964, c. 27, s. 7 (3), *amended*. Registered contractors to install, etc., appliances

15. Every installation, repair, service or removal of, Manner of installing appliances, etc.

(a) any appliance;

(b) any accessory; or

- (c) any equipment, apparatus or other thing employed or to be employed in the distribution, storage or use of fuel oil or propane,

shall be done in accordance with the regulations. *New*.

16.—(1) Subject to subsection 2, no person shall install, repair, service or remove, Installers, etc., must have certificate

(a) any appliance;

(b) any accessory; or

- (c) any equipment, apparatus or other thing employed or to be employed in the distribution, storage or use of fuel oil or propane,

unless he is the holder of a certificate for the purpose.

(2) No person shall install, repair, service or remove, Exception

(a) any appliance;

(b) any accessory; or

- (c) any equipment, apparatus or other thing employed or to be employed in the distribution, storage or use of fuel oil or propane,

unless the installation, repair, service or removal is done in the presence of the holder of a certificate referred to in subsection 1. *New*.

Notice to
distributor

17.—(1) No person shall initially activate an appliance supplied by pipe line with gas, fuel oil or propane without first giving notice to the distributor of the fuel of the address of the premises at which the installation was made or is to be made and the type of appliance to be supplied.

Inspection
by
distributor

(2) Where premises are initially connected to a supply of fuel by pipe line, no person shall initially activate an appliance connected thereto until the distributor of the fuel has inspected the appliance. 1964, c. 27, s. 7 (5, 6), *amended*.

Powers of
distributors

18. A distributor shall have free access, at all reasonable times and upon reasonable notice, to all parts of every premises to which fuel is supplied for the purpose of,

- (a) inspecting, repairing, altering or disconnecting any appliance in or on the premises; or
- (b) placing, protecting or setting any meters upon any pipe or connection in or on the premises. 1964, c. 27, s. 7 (7), *amended*.

Pipe lines
not to be
activated
until
inspected

19.—(1) No person shall activate a pipe line until it has been inspected in accordance with the regulations.

Pipe line
inspectors

(2) The inspection referred to in subsection 1 shall be made by a person who holds a certificate as a pipe line inspector. *New*.

Responsi-
bility for
compliance
with Act

20. Every distributor, contractor or operator shall take every precaution reasonable in the circumstances to ensure that his employees and agents comply with this Act and the regulations. *New*.

Grant of
licence, etc.
1964, c. 74

21.—(1) Subject to section 23 of *The Ontario Energy Board Act, 1964*, the Minister may, in his discretion, with or without an examination of the applicant, grant a licence, permit, certificate or registration, and he may, in so doing, impose such terms and conditions, whether of a pecuniary nature or otherwise, and such duties and liabilities as he in his discretion deems proper, but before granting a licence, permit, certificate or registration, he may refer the matter to the Board, in which case the Board shall hold a hearing and report to him thereon.

Renewal of
licence, etc.

(2) The Minister may grant a renewal of a licence, permit, certificate or registration in whole or in part, and he may, in granting a renewal of a licence, permit, certificate or registration, impose such terms and conditions, whether of a pecuniary nature or otherwise, and such duties and liabilities

SECTION 17. This provision allows a contractor to install and connect an appliance before notifying the distributor.

SECTIONS 19 AND 20. These provisions are new.

SECTION 21. This section and subsections 2, 3 and 4 of section 22 transfer from the Board to the Minister responsibility with respect to imposing conditions, granting, renewing and suspending licences and permits and effecting or renewing registrations.

as he in his discretion deems proper, but if, in refusing to grant or in granting such a renewal, he imposes any term or condition that was not previously imposed, he shall, if requested by the applicant, refer the matter to the Board, in which case the Board shall hold a hearing and report to him thereon. 1964, c. 27, s. 10, *amended*.

22.—(1) No person shall,

Prohibitions

- (a) contravene or fail to comply with any provision of this Act or any regulation;
- (b) waste or cause to be wasted or permit loss or dispose of any gas, oil, fuel oil or propane in any manner which may give rise to, or cause, a hazard to public health or safety, or may contribute to air, land or water pollution;
- (c) dig, trench or excavate with mechanical equipment without first ascertaining the location of any pipe line which may be interfered with in the course of such digging, trenching or excavating and, except in an emergency, without giving the owner of the pipe line at least twenty-four hours notice before commencing such digging, trenching or excavating;
- (d) knowingly make a false statement in any document prescribed by a regulation;
- (e) fail to carry out the instructions of an inspector; or
- (f) wilfully delay or obstruct an inspector in the execution of his duties under this Act. 1964, c. 27, s. 9 (1); 1967, c. 25, s. 3, *amended*.

(2) Where a person contravenes any provision of subsection 1, the Minister may, on such terms and conditions as he deems proper, refuse to grant a licence, permit, certificate or registration or the renewal of any of them, or suspend or revoke a licence, permit, certificate or registration but, before so doing, he may refer the matter to the Board, in which case the Board shall report to him thereon. 1964, c. 27, s. 10 (3), *amended*.

Renewal,
suspension
of licence,
etc.

(3) Where the Minister does not refer the matter to the Board, any person aggrieved thereby may apply to the Board for a hearing, in which case the Board shall hold a hearing and report thereon to the Minister. *New*.

Reference
to Board

23.—(1) The Lieutenant Governor in Council may make regulations,

Drilling
and
production
regulations

- (a) for the conservation of gas or oil;

- (b) prescribing areas where drilling for gas or oil is prohibited;
- (c) prescribing the terms and conditions of gas and oil production leases and gas storage leases or any part thereof, and providing for the making of statements or reports thereon;
- (d) regulating the location and spacing of wells;
- (e) providing for the establishment and designation of spacing units and regulating the location of wells in spacing units and requiring the joining of the various interests within a spacing unit or pool;
- (f) prescribing the methods, equipment and materials to be used in boring, drilling, completing, plugging or operating wells;
- (g) requiring operators to preserve and furnish to the Department drilling and production samples and cores;
- (h) requiring operators to furnish to the Department reports, returns, geological and other information;
- (i) requiring dry or abandoned wells to be plugged or replugged, and prescribing the methods, equipment and materials to be used in plugging or replugging wells;
- (j) regulating the use of wells for the subsurface disposal of waste substances. 1964, c. 27, s. 11 (1); 1965, c. 37, s. 3; 1967, c. 25, s. 4 (1), *amended*.

Regulations
respecting
appliances,
etc.

(2) The Lieutenant Governor in Council may, with respect to appliances, accessories, equipment, apparatus and other things employed or to be employed in the transmission, distribution, storage or use of gas, oil, fuel oil or propane, make regulations,

- (a) classifying them or any of them for the purpose of any regulation;
- (b) regulating their type, design, construction, installation, filling, maintenance, repair, removal, replacement, inspection and use;
- (c) prohibiting the sale, installation or use of them or any class of them;

- (d) designating organizations to test them or any class of them;
 - (e) defining "approved";
 - (f) providing for the certification or registration of persons who may inspect, install, repair, service or remove them or any class of them;
 - (g) exempting them, or any class of them, from this Act and the regulations or any of the provisions thereof. 1964, c. 27, s. 11 (2), *amended*.
- (3) The Lieutenant Governor in Council may make regu-^{General}lations, ^{regulations}
- (a) regulating the conditions of agreements between distributors and consumers;
 - (b) prescribing classes of contractors and requiring and providing for the registration of them or any class of them;
 - (c) prescribing methods of locating pipe lines prior to the commencement of excavation activities;
 - (d) prescribing classes of meters and requiring and providing for the registration of meters or any class of them;
 - (e) prescribing the fees to be paid for the inspection of pipe lines and appliances and prescribing by whom the fees shall be paid;
 - (f) providing for the issue of licences, permits, certificates and labels;
 - (g) prescribing classes of licences, permits, certificates and labels, and prescribing standard terms and conditions upon which licences, permits, certificates or labels may be issued or registrations made;
 - (h) prescribing the fee payable for any application, examination, certificate, licence, permit, label or registration;
 - (i) prescribing forms and tags, and providing for their use;
 - (j) requiring and providing for the bonding or insuring of holders of licences, permits or certificates of registration;

- (k) requiring and providing for guarantees or other security by bond or other means that works commenced under permit will be completed in accordance with this Act and the regulations;
- (l) respecting the completion, correction or removal of works by an operator, or by the Minister upon the operator's default, and respecting the recovery of costs thereby incurred;
- (m) providing for the Minister to take possession of a work not complying with this Act and the regulations and to take such measures as are necessary to make the work comply with this Act and the regulations and to recover any resulting expenses by the sale of all or part of the work;
- (n) requiring and providing for the keeping of records and the making of returns, statements or reports on the exploration, leasing, drilling for or production of gas or oil or the storage, transportation, distribution, transmission or utilization of gas, oil, fuel oil or propane;
- (o) regulating safety standards and requiring and providing for the keeping of safety records and the making of safety returns, statements or reports in the drilling for, production, storage, transmission, distribution, measurement, transportation and utilization of gas, oil, fuel oil or propane;
- (p) exempting any person or any class of persons from compliance with this Act or the regulations or of any of the provisions thereof;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1964, c. 27, s. 11 (3, 4), *amended*.

Codes

(4) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. 1964, c. 27, s. 11 (5).

Scope of regulations

(5) Any regulation may be general or particular in its application. 1964, c. 27, s. 11 (7).

Conflict, with other Acts
1964, c. 74

24.—(1) In the event of conflict between this Act and any other general or special Act, this Act, subject only to *The Ontario Energy Board Act, 1964* prevails. 1964, c. 27, s. 12 (1).

(2) This Act and the regulations prevail over any municipal by-law. 1964, c. 27, s. 12 (2), *amended*. Idem,
with
by-laws

25.—(1) Every person who, Offences
and
penalties

(a) contravenes or fails to comply with any provision of this Act or a regulation;

(b) knowingly makes a false statement in any document prescribed by a regulation; or

(c) fails to carry out the instructions of any inspector,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both. 1964, c. 27, s. 9 (1), *amended*.

(2) No information may be laid under this section without the written permission of the Minister in the prescribed form. Permission
of Minister
1964, c. 27, s. 9 (2), *amended*.

26. Every licence, permit, certificate, label, registration or approval issued, made or given under the predecessor of this Act and in force on the day this Act comes into force shall be deemed to have been issued, made or given under this Act. Existing
licences

27. *The Energy Act, 1964, The Energy Amendment Act, 1965 and The Energy Amendment Act, 1967*, are repealed. 1964, c. 27;
1965, c. 37;
1967, c. 25,
repealed

28. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

29. This Act may be cited as *The Energy Act, 1968-69*. Short title

The Energy Act, 1968-69

1st Reading

March 31st, 1969

2nd Reading

3rd Reading

MR. SIMONETT

BILL 108

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



The Gasoline Handling Act, 1968-69

MR. SIMONETT

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

GENERAL—The purpose of this revision is to make the administration of the Act more effective in the light of the experience gained under the present Act, thus improving the safety aspects of the handling of gasoline and associated products.

SECTION 1. The definitions of “consumer outlet”, “equipment”, “handling”, “marina”, “portable container”, “service station”, and “transport” are new.

BILL 108

1968-69

The Gasoline Handling Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act and in the regulations,

Interpre-
tation

- (a) "associated product" means any product of petroleum, other than gasoline, wax and asphalt;
- (b) "bulk plant" means one or more storage tanks, including the appurtenances thereof, where gasoline or an associated product is received by pipe line, tank vessel, tank car or tank vehicle and is stored in bulk for subsequent transmission by pipe line or transportation or distribution by tank vessel, tank car or tank vehicle;
- (c) "consumer outlet" means any premises at which gasoline or an associated product of the operator of the outlet is put into the fuel tanks of motor vehicles used by the operator of the outlet or into portable containers used by the operator of the outlet;
- (d) "equipment" means equipment used or to be used in the handling of gasoline or an associated product;
- (e) "flash point" means the lowest temperature, determined by using a Tagliabue closed-cup tester, at which the vapour of a product of petroleum forms a flammable mixture in air;
- (f) "gasoline" means a product of petroleum that has a flash point below 73°F. and that is designed for use in an internal combustion engine;
- (g) "handling" means the storing, transmitting, transporting or distributing of gasoline or an associated product, and includes putting gasoline or an associated product into the fuel tank of a motor vehicle, motor boat or other water craft or into a container;

- (h) "inspector" means an inspector authorized to enforce this Act;
- (i) "marina" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor boats and other water craft or into portable containers;
- (j) "Minister" means the Minister of Energy and Resources Management;
- (k) "portable container" means a container that has a capacity of ten gallons or less, that is designed, manufactured and used or to be used for the storage or conveyance of gasoline or an associated product;
- (l) "regulation" means a regulation made under the authority of this Act;
- (m) "service station" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor vehicles or into portable containers;
- (n) "transport" means to convey in or on a vehicle gasoline or an associated product, exclusive of the fuel carried for use in the vehicle, and "transporting" and "transportation" have corresponding meanings. 1966, c. 61, s. 1, *amended*.

Gasoline
handling
equipment
must be
approved

2. No person shall,

- (a) offer for sale or sell;
- (b) install; or
- (c) use in a service station, consumer outlet, marina or bulk plant,

any equipment that is not approved by the Minister pursuant to the regulations. 1966, c. 61, s. 3, *amended*.

Containers
must be
approved

3. In a service station, consumer outlet, marina or bulk plant, no person shall put gasoline or an associated product having a flash point below 73°F. into any container of a type that is not approved by the Minister pursuant to the regulations. *New*.

Approval of
specifica-
tions for
equipment

4. The Minister may establish or approve specifications or test reports for equipment and designate organizations to test equipment in accordance with such requirements. *New*.

SECTION 2. The provision is broadened to include the principle that only gasoline handling equipment that has been approved by the Minister pursuant to the regulations may be sold, used, etc.

SECTIONS 3, 4, 5 AND 7. These are new.

5. All equipment shall be installed, tested, operated or used in accordance with the regulations. *New.* Equipment must comply with regulations

6.—(1) No person shall,

(a) operate a service station;

(b) operate a marina;

(c) operate a bulk plant; or

(d) transport gasoline or an associated product,

Licence required to operate service station, etc.

unless licensed to do so by the Minister. 1966, c. 61, s. 2 (1), *amended.*

(2) The Minister may refuse to issue a licence under this Act to any person and may cancel or suspend any licence issued under this Act where the applicant or licensee, as the case may be, has contravened or failed to comply with any provision of this Act or the regulations. 1966, c. 61, s. 2 (2). Cancellation, suspension of licence

7. Every person who employs another person in the handling of gasoline or an associated product or in the installing of equipment shall take every precaution that is reasonable in the circumstances to ensure that his employees comply with this Act and the regulations. *New.* Employers must take reasonable precautions

8.—(1) Every inspector appointed for the purposes of *The Energy Act, 1968-69* is authorized to enforce this Act. 1966, c. 61, s. 4 (1), *amended.* Inspectors 1968-69,

(2) Every inspector may, for the purposes of this Act and the regulations, Powers

(a) enter any premises where he has reason to believe there has been, are or may be hazardous conditions relative to gasoline or an associated product;

(b) make such inspections, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with;

(c) take samples of any liquid that he has reason to believe is or may contain gasoline or an associated product; and

(d) require the production of any licence or other document prescribed by a regulation, and examine and copy it.

- Instructions (3) An inspector may give instructions orally or in writing to any person with respect to any matter in order to bring about compliance with this Act and the regulations and may require that his instructions be carried out within such time as he specifies.
- Idem (4) Where a person to whom an inspector gives oral instructions requests the inspector to put his instructions in writing, he shall do so.
- Duty to assist inspector (5) The occupant of any premises and his servants, agents and employees shall give reasonable assistance to an inspector in the exercise of his powers under this Act. 1966, c. 61, s. 4 (2-5), *amended*.
- No personal liability (6) No inspector is personally liable for anything done by him in the exercise of his powers under this Act. *New*.
- Regulations 9. The Lieutenant Governor in Council may make regulations,
- (a) appointing such persons or classes of persons as may be necessary to assist in the enforcement of this Act and the regulations;
 - (b) exempting any person or class of persons from this Act or the regulations or any of the provisions thereof;
 - (c) exempting any equipment or any class of equipment from this Act or the regulations or any of the provisions thereof;
 - (d) respecting the term, issue, renewal and posting of licences and prescribing the fees therefor;
 - (e) designating organizations to test equipment to specifications established or approved by the Minister and, where the equipment conforms to the specifications, to place their label thereon;
 - (f) prescribing procedures for installing, testing, operating and using equipment;
 - (g) respecting the approval of equipment or any type thereof by the Minister;
 - (h) prescribing grades of gasoline and associated products, and providing for the identification thereof;
 - (i) prescribing forms and providing for their use;

- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1966, c. 61, s. 5 (1), *amended*.

10. This Act and the regulations prevail over any municipal by-law. 1966, c. 61, s. 5, *amended*. Act
prevails
over
by-laws

11. Every person who, Offences
and
penalties

(a) contravenes or fails to comply with any provision of this Act or the regulations;

(b) knowingly makes a false statement in any document prescribed by the regulations; or

(c) fails to carry out the instructions of an inspector,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both. 1966, c. 61, s. 6 (1).

12. Every licence issued under the predecessor of this Act and in force on the day this Act comes into force shall be deemed to have been issued under this Act. Existing
licences

13. *The Gasoline Handling Act, 1966* is repealed.

1966, c. 61,
repealed

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

15. This Act may be cited as *The Gasoline Handling Act*, Short title
1968-69.

The Gasoline Handling Act, 1968-69

1st Reading

March 31st, 1969

2nd Reading

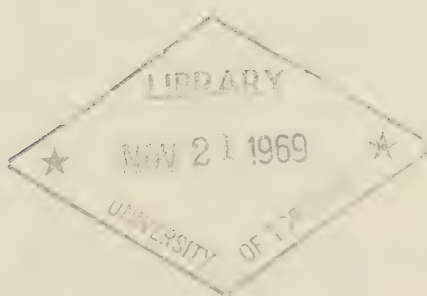
3rd Reading

MR. SIMONETT

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

The Gasoline Handling Act, 1968-69

MR. KERR



BILL 108

1968-69

The Gasoline Handling Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act and in the regulations,

Interpre-
tation

- (a) "associated product" means any product of petroleum, other than gasoline, wax and asphalt;
- (b) "bulk plant" means one or more storage tanks, including the appurtenances thereof, where gasoline or an associated product is received by pipe line, tank vessel, tank car or tank vehicle and is stored in bulk for subsequent transmission by pipe line or transportation or distribution by tank vessel, tank car or tank vehicle;
- (c) "consumer outlet" means any premises at which gasoline or an associated product of the operator of the outlet is put into the fuel tanks of motor vehicles used by the operator of the outlet or into portable containers used by the operator of the outlet;
- (d) "equipment" means equipment used or to be used in the handling of gasoline or an associated product;
- (e) "flash point" means the lowest temperature, determined by using a Tagliabue closed-cup tester, at which the vapour of a product of petroleum forms a flammable mixture in air;
- (f) "gasoline" means a product of petroleum that has a flash point below 73°F. and that is designed for use in an internal combustion engine;
- (g) "handling" means the storing, transmitting, transporting or distributing of gasoline or an associated product, and includes putting gasoline or an associated product into the fuel tank of a motor vehicle, motor boat or other water craft or into a container;

- (h) "inspector" means an inspector authorized to enforce this Act;
- (i) "marina" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor boats and other water craft or into portable containers;
- (j) "Minister" means the Minister of Energy and Resources Management;
- (k) "portable container" means a container that has a capacity of ten gallons or less, that is designed, manufactured and used or to be used for the storage or conveyance of gasoline or an associated product;
- (l) "regulation" means a regulation made under the authority of this Act;
- (m) "service station" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor vehicles or into portable containers;
- (n) "transport" means to convey in or on a vehicle gasoline or an associated product, exclusive of the fuel carried for use in the vehicle, and "transporting" and "transportation" have corresponding meanings. 1966, c. 61, s. 1, *amended*.

Gasoline
handling
equipment
must be
approved

2. No person shall,

- (a) offer for sale or sell;
- (b) install; or
- (c) use in a service station, consumer outlet, marina or bulk plant,

any equipment that is not approved by the Minister pursuant to the regulations. 1966, c. 61, s. 3, *amended*.

Containers
must be
approved

3. In a service station, consumer outlet, marina or bulk plant, no person shall put gasoline or an associated product having a flash point below 73°F. into any container of a type that is not approved by the Minister pursuant to the regulations. *New*.

Approval of
specifica-
tions for
equipment

4. The Minister may establish or approve specifications or test reports for equipment and designate organizations to test equipment in accordance with such requirements. *New*.

5. All equipment shall be installed, tested, operated or used in accordance with the regulations. *New.*

Equipment must comply with regulations

6.—(1) No person shall,

Licence required to operate service station, etc.

(a) operate a service station;

(b) operate a marina;

(c) operate a bulk plant; or

(d) transport gasoline or an associated product,

unless licensed to do so by the Minister. 1966, c. 61, s. 2 (1), *amended.*

(2) The Minister may refuse to issue a licence under this Act to any person and may cancel or suspend any licence issued under this Act where the applicant or licensee, as the case may be, has contravened or failed to comply with any provision of this Act or the regulations. 1966, c. 61, s. 2 (2).

Cancellation, suspension of licence

7. Every person who employs another person in the handling of gasoline or an associated product or in the installing of equipment shall take every precaution that is reasonable in the circumstances to ensure that his employees comply with this Act and the regulations. *New.*

Employers must take reasonable precautions

8.—(1) Every inspector appointed for the purposes of *The Energy Act, 1968-69* is authorized to enforce this Act. 1966, c. 61, s. 4 (1), *amended.*

Inspectors 1968-69, c.

(2) Every inspector may, for the purposes of this Act and the regulations,

Powers

(a) enter any premises where he has reason to believe there has been, are or may be hazardous conditions relative to gasoline or an associated product;

(b) make such inspections, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with;

(c) take samples of any liquid that he has reason to believe is or may contain gasoline or an associated product; and

(d) require the production of any licence or other document prescribed by a regulation, and examine and copy it.

- Instructions (3) An inspector may give instructions orally or in writing to any person with respect to any matter in order to bring about compliance with this Act and the regulations and may require that his instructions be carried out within such time as he specifies.
- Idem (4) Where a person to whom an inspector gives oral instructions requests the inspector to put his instructions in writing, he shall do so.
- Duty to assist inspector (5) The occupant of any premises and his servants, agents and employees shall give reasonable assistance to an inspector in the exercise of his powers under this Act. 1966, c. 61, s. 4 (2-5), *amended*.
- No personal liability (6) No inspector is personally liable for anything done by him in the exercise of his powers under this Act. *New*.
- Regulations **9.** The Lieutenant Governor in Council may make regulations,
- (a) appointing such persons or classes of persons as may be necessary to assist in the enforcement of this Act and the regulations;
 - (b) exempting any person or class of persons from this Act or the regulations or any of the provisions thereof;
 - (c) exempting any equipment or any class of equipment from this Act or the regulations or any of the provisions thereof;
 - (d) respecting the term, issue, renewal and posting of licences and prescribing the fees therefor;
 - (e) designating organizations to test equipment to specifications established or approved by the Minister and, where the equipment conforms to the specifications, to place their label thereon;
 - (f) prescribing procedures for installing, testing, operating and using equipment;
 - (g) respecting the approval of equipment or any type thereof by the Minister;
 - (h) prescribing grades of gasoline and associated products, and providing for the identification thereof;
 - (i) prescribing forms and providing for their use;

- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1966, c. 61, s. 5 (1), *amended*.

10. This Act and the regulations prevail over any municipal by-law. 1966, c. 61, s. 5, *amended*. Act
prevails
over
by-laws

11. Every person who, Offences
and
penalties

(a) contravenes or fails to comply with any provision of this Act or the regulations;

(b) knowingly makes a false statement in any document prescribed by the regulations; or

(c) fails to carry out the instructions of an inspector,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both. 1966, c. 61, s. 6 (1).

12. Every licence issued under the predecessor of this Act and in force on the day this Act comes into force shall be deemed to have been issued under this Act. Existing
licences

13. *The Gasoline Handling Act, 1966* is repealed. 1966, c. 61,
repealed

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

15. This Act may be cited as *The Gasoline Handling Act*, Short title
1968-69.

The Gasoline Handling Act, 1968-69

1st Reading

March 31st, 1969

2nd Reading

October 23rd, 1969

3rd Reading

October 31st, 1969

MR. KERR

BILL 109

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Ontario Energy Board Act, 1964

Mr. SIMONETT

EXPLANATORY NOTES

SECTION 1. The definitions are brought into line with the corresponding definitions in *The Energy Act, 1968-69* (Bill 107).

BILL 109

1968-69

An Act to amend The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 3, re-enacted

3. “distributor” means a person who supplies gas, fuel oil or propane to a consumer, and “distributing” and “distribution” have corresponding meanings.

(2) Paragraph 4 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Ontario Energy Board Amendment Act, 1967*, is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 4 (1967, c. 64, s. 1, subs. 2), re-enacted

4. “fuel oil” means any liquid hydrocarbon within the meaning from time to time of the Canadian Government Specifications Board specification 3-GP-2 entitled FUEL OIL, 3-GP-3 entitled KEROSINE, 3-GP-6 entitled DIESEL FUEL, or, when used for heating, cooking or lighting, within the meaning from time to time of 3-GP-27 entitled LIGHTING NAPHTHA.

(3) Paragraph 5 of the said section 1 is amended by striking out “or liquefied petroleum gas” in the first and second lines and inserting in lieu thereof “propane-air gas”, so that the paragraph shall read as follows: 1964, c. 74, s. 1, par. 5, amended

5. “gas” means natural gas, manufactured gas, propane-air gas or any mixture of any of them.

(4) Paragraph 6 of the said section 1 is repealed.

1964, c. 74, s. 1, par. 6, repealed

(5) Paragraph 8 of the said section 1 is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 8, re-enacted

8. "manufactured gas" means any artificially produced fuel gas, except acetylene and any other gas used principally in welding or cutting metals.

1964, c. 74,
s. 1,
amended

- (6) The said section 1 is amended by adding thereto the following paragraphs:

13a. "pool" means an underground accumulation of oil or natural gas or both, separated or appearing to be separated from any other such accumulation;

.

14a. "propane" means a hydrocarbon consisting of 95 per cent or more of propane, propylene, butane or butylene, or any blend thereof;

.

1968-69,
c.

15a. "spacing unit" means a surface area established by a regulation made under *The Energy Act, 1968-69* or a predecessor thereof for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation.

1964, c. 74,
s. 15, subs. 3,
amended

2. Subsection 3 of section 15 of *The Ontario Energy Board Act, 1964* is amended by inserting after "section 23" in the second line "section 25a".

1964, c. 74,
s. 19,
subs. 1a
(1965, c. 83,
s. 1),
re-enacted

- 3.--(1) Subsection 1a of section 19 of *The Ontario Energy Board Act, 1964*, as enacted by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is repealed and the following substituted therefor:

Board to
determine
rate base

- (1a) In approving or fixing rates and other charges under subsection 1, the Board shall determine a rate base for the transmitter, distributor or storage company, and shall determine whether the return on the rate base produced or to be produced by such rates and other charges is reasonable.

1964, c. 74,
s. 19,
subs. 1b
(1965, c. 83,
s. 1),
re-enacted

- (2) Subsection 1b of the said section 19, as enacted by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is repealed and the following substituted therefor:

Formula for
determining
rate base

- (1b) The rate base to be determined by the Board under subsection 1a shall be the total of,

- (a) a reasonable allowance for the cost of the property that is used or useful in serving the public, less an amount deemed adequate by the Board for depreciation, amortization and depletion;

SECTION 2. See section 7 of this Bill. This amendment is complementary and will bring the new section 25*a* into line with the exceptions mentioned in section 15 (3) of the Act.

SECTION 3. The amendment is designed to enable the Board to control unreasonable inflation of the rate base.

SECTIONS 4, 9 AND 10. These sections are designed to complement *The Expropriations Act, 1968-69*.

SECTION 5. This new provision implements a recommendation of the McRuer Report. It requires the Board to send a copy of its report to each of the parties on a reference to it of an application for a licence to drill a gas well in a designated gas storage area. The new provision also gives a right of appeal to the Lieutenant Governor in Council.

(b) a reasonable allowance for working capital;
and

(c) such other amounts as, in the opinion of the Board, ought to be included.

(1c) In determining the reasonable allowance for the cost ^{Idem, cost of property} of property under clause *a* of subsection 1b, the Board shall ascertain or estimate the actual cost thereof to the present owner and, where in the opinion of the Board the actual cost exceeds a reasonable allowance for inclusion in the rate base, shall make such deductions in respect of the excess as in the opinion of the Board are appropriate.

(1d) In considering whether the actual cost mentioned in ^{Idem} subsection 1c exceeds a reasonable allowance for inclusion in the rate base and in determining the appropriate deductions to be made in respect of any such excess, the Board may consider all matters it deems relevant, including the public benefit resulting from the acquisition of the property, whether the acquisition at the price paid was prudent in the circumstances existing at the time and, where the property was acquired as an operating system or part thereof, the allowance made for its cost in the rate base of the former owner or, if no such rate base had been determined that included an allowance for the cost thereof, the allowance that would have been made therefor in a rate base for the former owner determined in accordance with this section.

4. Subsections 3, 4, 5, 6, 7 and 8 of section 21 of *The Ontario Energy Board Act, 1964* ^{1964, c. 74, s. 21, subss. 3, 4, re-enacted; subss. 5-8, repealed} are repealed and the following substituted therefor:

(3) No action or other proceeding lies in respect of compensation payable under this section and, failing agreement, the amount thereof shall be determined ^{Determination of amount of compensation} by the Board.

(4) An appeal within the meaning of section 32 of *The Expropriations Act, 1968-69* ^{Appeal s. 23, 1968-69,} lies from a determination of the Board under subsection 3 to the Court of Appeal, in which case that section applies and section 32 of this Act does not apply.

5. Section 23 of *The Ontario Energy Board Act, 1964* ^{1964, c. 74, s. 23, amended} is amended by adding thereto the following subsection:

Copy of
report to be
sent to
parties

- (2) The Board shall send to each of the parties a copy of its report to the Minister made pursuant to subsection 1 within ten days after submitting it to the Minister and such report shall be deemed to be a decision of the Board within the meaning of section 33.

1964, c. 74,
s. 24,
amended

6. Section 24 of *The Ontario Energy Board Act, 1964* is amended by adding thereto the following subsection:

Idem

- (2) In making an order under clause *b* or *c* of subsection 1, the Board may prescribe the respective rights and obligations of persons having interests in the spacing unit, field or pool that in the opinion of the Board are just and reasonable and, in particular, may require the sharing of production among persons having interests, or the payment of royalties, rentals or other compensation by or to persons having interests, at rates or in amounts deemed by the Board to be just and reasonable, and the Board is not bound by the terms of any lease or agreement and such terms, in case of conflict, are superseded by the order of the Board.

1964, c. 74,
amended

7. *The Ontario Energy Board Act, 1964* is amended by adding thereto the following section:

Disposition
of gas
system

25a. (1) No gas transmitter, distributor or storage company, without the leave of the Board first being obtained, shall

(a) sell, lease, convey or otherwise dispose of its gas transmission, distribution or storage system, or any part thereof that is used or useful in serving the public, as an entirety or substantially as an entirety; or

(b) enter into an agreement for amalgamation with any other company.

Mortgages

- (2) Subsection 1 does not apply to a mortgage or charge to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness.

Hearing

- (3) On an application under subsection 1, the Board may proceed with or without a hearing.

1964, c. 74,
s. 39, subs. 2,
amended

8. Subsection 2 of section 39 of *The Ontario Energy Board Act, 1964* is amended by inserting after "Agriculture" in the third line "and Food".

SECTION 6. This new provision will give the Board additional discretionary powers when dealing with an application for the joining of interests in a spacing unit, field or pool.

SECTION 7. This provision is new. It is self-explanatory.

SECTION 8. The name of the department mentioned is brought up to date.

9. Subsection 4 of section 40 of *The Ontario Energy Board Act, 1964* is repealed. 1964, c. 74, s. 40, subs. 4, repealed

10. Section 41 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: 1964, c. 74, s. 41, re-enacted

41. Where compensation for damages is provided for in this Part, it shall be determined by the Land Compensation Board established under section 28 of *The Expropriations Act, 1968-69*. Determination of compensation 1968-69, c.

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. This Act may be cited as *The Ontario Energy Board Amendment Act, 1968-69*. Short title

An Act to amend
The Ontario Energy Board Act, 1964

1st Reading

March 31st, 1969

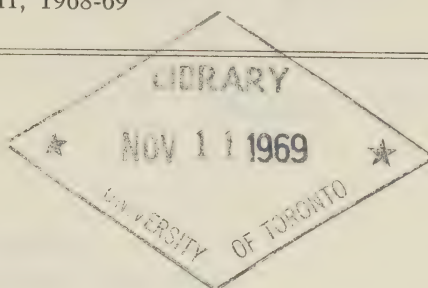
2nd Reading

3rd Reading

MR. SIMONETT

BILL 109

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Ontario Energy Board Act, 1964**

MR. KERR

(Reprinted as amended by the Legal and Municipal Committee)

EXPLANATORY NOTES

SECTION 1. The definitions are brought into line with the corresponding definitions in *The Energy Act, 1968-69* (Bill 107).

BILL 109

1968-69

An Act to amend The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 3, re-enacted

3. “distributor” means a person who supplies gas, fuel oil or propane to a consumer, and “distributing” and “distribution” have corresponding meanings.

(2) Paragraph 4 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Ontario Energy Board Amendment Act, 1967*, is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 4, (1967, c. 64, s. 1, subs. 2), re-enacted

4. “fuel oil” means any liquid hydrocarbon within the meaning from time to time of the Canadian Government Specifications Board specification 3-GP-2 entitled FUEL OIL, 3-GP-3 entitled KEROSENE, 3-GP-6 entitled DIESEL FUEL, or, when used for heating, cooking or lighting, within the meaning from time to time of 3-GP-27 entitled LIGHTING NAPHTHA.

(3) Paragraph 5 of the said section 1 is amended by striking out “or liquefied petroleum gas” in the first and second lines and inserting in lieu thereof “propane-air gas”, so that the paragraph shall read as follows: 1964, c. 74, s. 1, par. 5, amended

5. “gas” means natural gas, manufactured gas, propane-air gas or any mixture of any of them.

(4) Paragraph 6 of the said section 1 is repealed.

1964, c. 74, s. 1, par. 6, repealed

(5) Paragraph 8 of the said section 1 is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 8, re-enacted

8. "manufactured gas" means any artificially produced fuel gas, except acetylene and any other gas used principally in welding or cutting metals.

1964, c. 74,
s. 1,
amended

- (6) The said section 1 is amended by adding thereto the following paragraphs:

- 13a. "pool" means an underground accumulation of oil or natural gas or both, separated or appearing to be separated from any other such underground accumulation;

.

- 14a. "propane" means a hydrocarbon consisting of 95 per cent or more of propane, propylene, butane or butylene, or any blend thereof;

.

1968-69,
c.

- 15a. "spacing unit" means a surface area established by a regulation made under *The Energy Act, 1968-69* or a predecessor thereof for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation.

1964, c. 74,
s. 13, subs. 2,
amended

- 2.** Subsection 2 of section 13 of *The Ontario Energy Board Act, 1964* is amended by inserting after "to" in the first line "section 25a and", so that the subsection shall read as follows:

Applications

- (2) Subject to section 25a and subsection 2 of section 35, where a proceeding before the Board is commenced by the filing of an application, the Board shall proceed by order.

1964, c. 74,
s. 15,
subs. 3,
amended

- 3.** Subsection 3 of section 15 of *The Ontario Energy Board Act, 1964* is amended by striking out "subsection 2 of section 6 of *The Energy Act, 1964*" in the third and fourth lines and inserting in lieu thereof "*The Energy Act, 1968-69* and any predecessor thereof", so that the subsection shall read as follows:

Hearing
upon notice

- (3) Subject to subsections 1 and 2 of this section, subsection 5 of section 19, subsection 2 of section 22, section 23 and subsection 2 of section 37 of this Act and to *The Energy Act, 1968-69* and any predecessor thereof, the Board shall not make any order or proceed in accordance with any reference or order in council under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs.

1968-69,
c. . . .

SECTION 2. See section 7 of this Bill; this amendment is complementary.

SECTION 3. This amendment will bring the reference into line with *The Energy Act, 1968-69* (Bill 107).

SECTION 4. The amendment is designed to enable the Board to control unreasonable inflation of the rate base.

4.—(1) Subsection 1a of section 19 of *The Ontario Energy Board Act, 1964*, as enacted by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is repealed and the following substituted therefor: ^{1964, c. 74, s. 19, subs. 1a (1965, c. 83, s. 1), re-enacted}

- (1a) In approving or fixing rates and other charges under subsection 1, the Board shall determine a rate base ^{Board to determine rate base} for the transmitter, distributor or storage company, and shall determine whether the return on the rate base produced or to be produced by such rates and other charges is reasonable.

(2) Subsection 1b of the said section 19, as enacted by ^{1964, c. 74, s. 19, subs. 1b (1965, c. 83, s. 1), re-enacted} section 1 of *The Ontario Energy Board Amendment Act, 1965*, is repealed and the following substituted therefor:

- (1b) The rate base to be determined by the Board under subsection 1a shall be the total of, ^{Formula for determining rate base}

- (a) a reasonable allowance for the cost of the property that is used or useful in serving the public, less an amount deemed adequate by the Board for depreciation, amortization and depletion;
- (b) a reasonable allowance for working capital; and
- (c) such other amounts as, in the opinion of the Board, ought to be included.

- (1c) In determining the reasonable allowance for the ^{Idem, cost of property} cost of the property under clause a of subsection 1b, the Board shall ascertain the actual cost of the property to the present owner, but

- (a) where the actual cost to the present owner of any of the property cannot be ascertained, the Board shall determine a reasonable allowance to be included in the rate base for the cost of that property; and
- (b) where in the opinion of the Board the actual cost to the present owner of any of the property is more than a reasonable allowance for inclusion in the rate base for the cost of that property, the Board shall determine a reasonable allowance to be included in the rate base for the cost of that property.

- (1d) In considering whether the actual cost mentioned in ^{Idem} subsection 1c exceeds a reasonable allowance for inclusion in the rate base and in determining the

appropriate deductions to be made in respect of any such excess, the Board may consider all matters it deems relevant, including the public benefit resulting from the acquisition of the property, whether the acquisition at the price paid was prudent in the circumstances existing at the time and, where the property was acquired as an operating system or part thereof, the allowance made for its cost in the rate base of the former owner or, if no such rate base had been determined that included an allowance for the cost thereof, the allowance that would have been made therefor in a rate base for the former owner determined in accordance with this section.

Findings
of fact

- (1e) Findings of fact on which determinations are made by the Board under subsections 1a, 1b, 1c and 1d shall be based on the evidence adduced at the hearing.

1964, c. 74,
s. 21,
subss. 3, 4,
re-enacted;
subss. 5-8,
repealed

5. Subsections 3, 4, 5, 6, 7 and 8 of section 21 of *The Ontario Energy Board Act, 1964* are repealed and the following substituted therefor:

Determina-
tion of
amount of
compensa-
tion

- (3) No action or other proceeding lies in respect of compensation payable under this section and, failing agreement, the amount thereof shall be determined by the Board.

Appeal
1968-69,
c.

- (4) An appeal within the meaning of section 32 of *The Expropriations Act, 1968-69* lies from a determination of the Board under subsection 3 to the Court of Appeal, in which case that section applies and section 32 of this Act does not apply.

1964, c. 74,
s. 23,
amended

6. Section 23 of *The Ontario Energy Board Act, 1964* is amended by adding thereto the following subsection:

Copy of
report to be
sent to
parties

- (2) The Board shall send to each of the parties a copy of its report to the Minister made pursuant to subsection 1 within ten days after submitting it to the Minister and such report shall be deemed to be a decision of the Board within the meaning of section 33.

1964, c. 74,
amended

7. *The Ontario Energy Board Act, 1964* is amended by adding thereto the following section:

Disposition
of gas
systems
and
acquisition
of share
control

25a.—(1) No gas transmitter, gas distributor or storage company, without first obtaining the leave of the Lieutenant Governor in Council, shall,

SECTIONS 5, 9 and 10. These sections are designed to complement *The Expropriations Act, 1968-69*.

SECTION 6. This new provision implements a recommendation of the McRuer Report. It requires the Board to send a copy of its report to each of the parties on a reference to it of an application for a licence to drill a gas well in a designated gas storage area. The new provision also gives a right of appeal to the Lieutenant Governor in Council.

SECTION 7. This provision is new. It is self-explanatory.

SECTION 8. The name of the department mentioned is brought up to date.

SECTION 9. The provision repealed has been superseded by *The Expropriations Act, 1968-69*.

SECTION 10. These amendments are designed to clarify the situation during the transitional period from *The Expropriation Procedures Act, 1962-63* to *The Expropriations Act, 1968-69* as to what procedures apply to the determination of compensation for lands expropriated for pipe-line purposes and the like and as to what tribunal will determine the compensation.


These amendments also provide that damages occurring during construction or maintenance of a pipe-line will be determined by the Land Compensation Board.

(a) sell, lease, convey or otherwise dispose of its gas transmission, gas distribution or gas storage system, or any part thereof that is used or useful in serving the public, as an entirety or substantially as an entirety;

(b) amalgamate with any other company; or

(c) acquire such number of any class of shares that, together with shares already held by the gas transmitter, gas distributor or storage company and its associates will in the aggregate exceed 20 per cent of the shares outstanding of that class of a gas transmitter, gas distributor or storage company.


(2) Subsection 1 does not apply to a mortgage or charge ^{Mortgages} to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness.

(3) An application for leave under subsection 1 shall ^{Public hearing} be made to the Board, which shall hold a public hearing and submit its report and opinion to the Lieutenant Governor in Council. 

8. Subsection 2 of section 39 of *The Ontario Energy Board Act, 1964* is amended by inserting after "Agriculture" in the ^{1964, c. 74, s. 39, subs. 2, amended} third line "and Food".

9. Subsection 4 of section 40 of *The Ontario Energy Board Act, 1964* is repealed. ^{1964, c. 74, s. 40, subs. 4, repealed}

10.—(1) Section 41 of *The Ontario Energy Board Act, 1964* ^{1964, c. 74, s. 41, re-enacted} is repealed and the following substituted therefor:

 **41.** Where compensation for damages is provided for ^{Deter-} in this Part and is not agreed upon, the procedures ^{mination of compensation} set out in clauses *a* and *b* of section 26 of *The Expropriations Act, 1968-69* ^{1968-69, c. ...} apply to the determination of such compensation, and such compensation shall be determined under section 27 of that Act or by the Land Compensation Board established under section 28 of that Act.

(2) Where, under the authority of section 40 of *The Ontario Energy Board Act, 1964*, a person has expropriated land under ^{Transitional provision} *The Expropriation Procedures Act, 1962-63* and at the time ^{1962-63, c. 43} this section comes into force the compensation has not been finally determined or agreed upon,

(a) if the compensation is in appeal under section 41 of *The Ontario Energy Board Act, 1964* as it existed before this section comes into force, the said section 41 continues to apply thereto; or


(b) if the compensation remains to be determined otherwise than under clause *a*, it shall be determined under *The Expropriations Act, 1968-69* as if the plan were registered under that Act, but where a hearing has already been held by the board of negotiation, sections 26 and 27 of *The Expropriations Act, 1968-69* do not apply, except that if the negotiation proceedings did not result in settlement of the compensation, then the procedures of subsection 6 of section 27 of that Act apply to that determination of such compensation.

1968-69,
c. . . .

Commence-
ment

11.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Section 7 shall be deemed to have come into force on the 22nd day of October, 1969. 

Short title

12. This Act may be cited as *The Ontario Energy Board Amendment Act, 1968-69*.

An Act to amend
The Ontario Energy Board Act, 1964

1st Reading

March 31st, 1969

2nd Reading

October 23rd, 1969

3rd Reading

MR. KERR

(Reprinted as amended by the Legal
and Municipal Committee)

BILL 109

Government
Publications2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69**An Act to amend The Ontario Energy Board Act, 1964**

MR. KERR



BILL 109

1968-69

An Act to amend The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: 1964, c. 74,
s. 1, par. 3,
re-enacted

3. "distributor" means a person who supplies gas, fuel oil or propane to a consumer, and "distributing" and "distribution" have corresponding meanings.

(2) Paragraph 4 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Ontario Energy Board Amendment Act, 1967*, is repealed and the following substituted therefor: 1964, c. 74,
s. 1, par. 4
(1967, c. 64,
s. 1, subs. 2),
re-enacted

4. "fuel oil" means any liquid hydrocarbon within the meaning from time to time of the Canadian Government Specifications Board specification 3-GP-2 entitled FUEL OIL, 3-GP-3 entitled KEROSINE, 3-GP-6 entitled DIESEL FUEL, or, when used for heating, cooking or lighting, within the meaning from time to time of 3-GP-27 entitled LIGHTING NAPHTHA.

(3) Paragraph 5 of the said section 1 is amended by striking out "or liquefied petroleum gas" in the first and second lines and inserting in lieu thereof "propane-air gas", so that the paragraph shall read as follows: 1964, c. 74,
s. 1, par. 5,
amended

5. "gas" means natural gas, manufactured gas, propane-air gas or any mixture of any of them.

(4) Paragraph 6 of the said section 1 is repealed.

1964, c. 74,
s. 1, par. 6,
repealed

(5) Paragraph 8 of the said section 1 is repealed and the following substituted therefor: 1964, c. 74,
s. 1, par. 8,
re-enacted

8. "manufactured gas" means any artificially produced fuel gas, except acetylene and any other gas used principally in welding or cutting metals.

1964, c. 74,
s. 1,
amended

(6) The said section 1 is amended by adding thereto the following paragraphs:

- 13a. "pool" means an underground accumulation of oil or natural gas or both, separated or appearing to be separated from any other such underground accumulation;

.

- 14a. "propane" means a hydrocarbon consisting of 95 per cent or more of propane, propylene, butane or butylene, or any blend thereof;

.

1968-69,
c.

- 15a. "spacing unit" means a surface area established by a regulation made under *The Energy Act, 1968-69* or a predecessor thereof for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation.

1964, c. 74,
s. 13, subs. 2,
amended

2. Subsection 2 of section 13 of *The Ontario Energy Board Act, 1964* is amended by inserting after "to" in the first line "section 25a and", so that the subsection shall read as follows:

Applications

- (2) Subject to section 25a and subsection 2 of section 35, where a proceeding before the Board is commenced by the filing of an application, the Board shall proceed by order.

1964, c. 74,
s. 15,
subs. 3,
amended

3. Subsection 3 of section 15 of *The Ontario Energy Board Act, 1964* is amended by striking out "subsection 2 of section 6 of *The Energy Act, 1964*" in the third and fourth lines and inserting in lieu thereof "*The Energy Act, 1968-69* and any predecessor thereof", so that the subsection shall read as follows:

Hearing
upon notice

- (3) Subject to subsections 1 and 2 of this section, subsection 5 of section 19, subsection 2 of section 22, section 23 and subsection 2 of section 37 of this Act and to *The Energy Act, 1968-69* and any predecessor thereof, the Board shall not make any order or proceed in accordance with any reference or order in council under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs.

1968-69,
c. . . .

4.—(1) Subsection 1a of section 19 of *The Ontario Energy Board Act, 1964*, as enacted by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is repealed and the following substituted therefor:

1964, c. 74,
s. 19,
subs. 1a
(1965, c. 83,
s. 1),
re-enacted

- (1a) In approving or fixing rates and other charges under subsection 1, the Board shall determine a rate base for the transmitter, distributor or storage company, and shall determine whether the return on the rate base produced or to be produced by such rates and other charges is reasonable.

Board to
determine
rate base

(2) Subsection 1b of the said section 19, as enacted by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is repealed and the following substituted therefor:

1964, c. 74,
s. 19,
subs. 1b
(1965, c. 83,
s. 1),
re-enacted

- (1b) The rate base to be determined by the Board under subsection 1a shall be the total of,

Formula for
determining
rate base

- (a) a reasonable allowance for the cost of the property that is used or useful in serving the public, less an amount deemed adequate by the Board for depreciation, amortization and depletion;
- (b) a reasonable allowance for working capital; and
- (c) such other amounts as, in the opinion of the Board, ought to be included.

- (1c) In determining the reasonable allowance for the cost of the property under clause a of subsection 1b, the Board shall ascertain the actual cost of the property to the present owner, but

Idem,
cost of
property

- (a) where the actual cost to the present owner of any of the property cannot be ascertained, the Board shall determine a reasonable allowance to be included in the rate base for the cost of that property; and
- (b) where in the opinion of the Board the actual cost to the present owner of any of the property is more than a reasonable allowance for inclusion in the rate base for the cost of that property, the Board shall determine a reasonable allowance to be included in the rate base for the cost of that property.

- (1d) In considering whether the actual cost mentioned in subsection 1c exceeds a reasonable allowance for inclusion in the rate base and in determining the

Idem

appropriate deductions to be made in respect of any such excess, the Board may consider all matters it deems relevant, including the public benefit resulting from the acquisition of the property, whether the acquisition at the price paid was prudent in the circumstances existing at the time and, where the property was acquired as an operating system or part thereof, the allowance made for its cost in the rate base of the former owner or, if no such rate base had been determined that included an allowance for the cost thereof, the allowance that would have been made therefor in a rate base for the former owner determined in accordance with this section.

Findings
of fact

- (1e) Findings of fact on which determinations are made by the Board under subsections 1a, 1b, 1c and 1d shall be based on the evidence adduced at the hearing.

1964, c. 74,
s. 21,
subss. 3, 4,
re-enacted;
subss. 5-8,
repealed

5. Subsections 3, 4, 5, 6, 7 and 8 of section 21 of *The Ontario Energy Board Act, 1964* are repealed and the following substituted therefor:

Determina-
tion of
amount of
compensa-
tion

- (3) No action or other proceeding lies in respect of compensation payable under this section and, failing agreement, the amount thereof shall be determined by the Board.

Appeal
1968-69,
c.

- (4) An appeal within the meaning of section 32 of *The Expropriations Act, 1968-69* lies from a determination of the Board under subsection 3 to the Court of Appeal, in which case that section applies and section 32 of this Act does not apply.

1964, c. 74,
s. 23,
amended

6. Section 23 of *The Ontario Energy Board Act, 1964* is amended by adding thereto the following subsection:

Copy of
report to be
sent to
parties

- (2) The Board shall send to each of the parties a copy of its report to the Minister made pursuant to subsection 1 within ten days after submitting it to the Minister and such report shall be deemed to be a decision of the Board within the meaning of section 33.

1964, c. 74,
amended

7. *The Ontario Energy Board Act, 1964* is amended by adding thereto the following section:

Disposition
of gas
systems
and
acquisition
of share
control

25a.—(1) No gas transmitter, gas distributor or storage company, without first obtaining the leave of the Lieutenant Governor in Council, shall,

(a) sell, lease, convey or otherwise dispose of its gas transmission, gas distribution or gas storage system, or any part thereof that is used or useful in serving the public, as an entirety or substantially as an entirety;

(b) amalgamate with any other company; or

(c) acquire such number of any class of shares that, together with shares already held by the gas transmitter, gas distributor or storage company and its associates will in the aggregate exceed 20 per cent of the shares outstanding of that class of a gas transmitter, gas distributor or storage company.

(2) Subsection 1 does not apply to a mortgage or charge ^{Mortgages} to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness.

(3) An application for leave under subsection 1 shall ^{Public hearing} be made to the Board, which shall hold a public hearing and submit its report and opinion to the Lieutenant Governor in Council.

8. Subsection 2 of section 39 of *The Ontario Energy Board Act, 1964* is amended by inserting after "Agriculture" in the ^{1964, c. 74, s. 39, subs. 2 amended} third line "and Food".

9. Subsection 4 of section 40 of *The Ontario Energy Board Act, 1964* is repealed. ^{1964, c. 74, s. 40, subs. 4. repealed}

10.—(1) Section 41 of *The Ontario Energy Board Act, 1964* ^{1964, c. 74, s. 41, re-enacted} is repealed and the following substituted therefor:

41. Where compensation for damages is provided for ^{Deter-} in this Part and is not agreed upon, the procedures ^{mination of compensation} set out in clauses *a* and *b* of section 26 of *The Expro-* ^{1968-69, c. ...} *priations Act, 1968-69* apply to the determination of such compensation, and such compensation shall be determined under section 27 of that Act or by the Land Compensation Board established under section 28 of that Act.

(2) Where, under the authority of section 40 of *The Ontario Energy Board Act, 1964*, a person has expropriated land under ^{Transitional provision} *The Expropriation Procedures Act, 1962-63* and at the time ^{1962-63, c. 43} this section comes into force the compensation has not been finally determined or agreed upon,

- 1964, c. 74,
s. 41.
- (a) if the compensation is in appeal under section 41 of *The Ontario Energy Board Act, 1964* as it existed before this section comes into force, the said section 41 continues to apply thereto; or
- 1968-69,
c. ...
- (b) if the compensation remains to be determined otherwise than under clause *a*, it shall be determined under *The Expropriations Act, 1968-69* as if the plan were registered under that Act, but where a hearing has already been held by the board of negotiation, sections 26 and 27 of *The Expropriations Act, 1968-69* do not apply, except that if the negotiation proceedings did not result in settlement of the compensation, then the procedures of subsection 6 of section 27 of that Act apply to that determination of such compensation.
- Commence-
ment
- 11.**—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.
- Idem
- (2) Section 7 shall be deemed to have come into force on the 22nd day of October, 1969.
- Short title
- 12.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1968-69*.

An Act to amend
The Ontario Energy Board Act, 1964

1st Reading

March 31st, 1969

2nd Reading

October 23rd, 1969

3rd Reading

October 31st, 1969

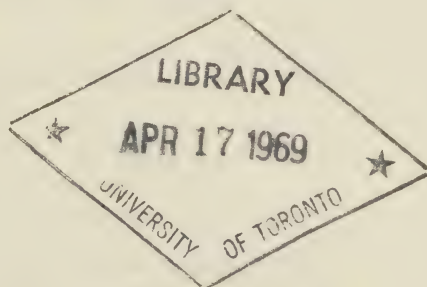
MR. KERR

BILL 110

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act respecting The Toronto Stock Exchange

MR. ROWNTREE



EXPLANATORY NOTES

The Bill would replace the Act of incorporation of The Toronto Stock Exchange, which is a private Act passed in 1878.

The principal change is the inclusion of two members of the board of directors, who are not members of the stock exchange and who are approved by the Lieutenant Governor in Council.

An Act respecting The Toronto Stock Exchange

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Toronto Stock Exchange;
- (b) "exchange" means the stock exchange operated by the Corporation;
- (c) "public director" means a member of the board of directors of the Corporation elected under subsection 2 of section 7.

2. The Toronto Stock Exchange, incorporated by *An Act to incorporate the Toronto Stock Exchange*, being chapter 65 of the Statutes of Ontario, 1878, is continued as a corporation without share capital under the name of "The Toronto Stock Exchange".

Corporation
continues
directors

3. The head office of the Corporation shall be situate in The Municipality of Metropolitan Toronto.

Head Office

4.—(1) The object of the Corporation is to operate a stock exchange in Ontario for trading by the members of the Corporation and other persons authorized under subsection 2.

Objects

(2) The board of directors may authorize persons other than members to trade on the exchange subject to such conditions as are imposed by the board of directors.

Trading
by non-
members

5. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its object.

Non-profit

6.—(1) The affairs of the Corporation shall be managed by a board of directors, who may be referred to as governors, consisting of,

Board of
directors

- (a) the President of the Corporation;

(b) two public directors; and

(c) ten persons elected under subsection 3 of section 7.

Vacancies

(2) Notwithstanding any vacancy in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.

President

7.—(1) The President shall be appointed by the board of directors and may be removed from office by the board of directors only by a vote of two-thirds of the directors then in office.

Public
directors

(2) The public directors shall be elected by the board of directors within one month after the coming into force of this Act and thereafter annually by the board of directors at the first meeting of the board following the annual meeting of the Corporation, to hold office until the next annual meeting of the Corporation and any vacancy occurring among the public directors may be filled by the election of another person for the remainder of the term by the directors then in office, but no person is eligible to be elected as a public director if he is a member of the Corporation and unless his nomination for such election has been approved by the Lieutenant Governor in Council on the recommendation of the President.

Elected
directors

(3) The directors other than the President and public directors shall be elected by the members yearly in such manner as the by-laws of the Corporation provide.

Transitional
board

(4) The directors of the Corporation in office immediately before this Act comes into force shall be deemed to be the directors elected under subsection 3 and shall remain in office until the first annual meeting of the Corporation held after this Act comes into force.

Idem

(5) The President shall be appointed in accordance with this Act within three months after this Act comes into force.

Appoint-
ment
of officers

8.—(1) All officers of the Corporation other than the chairman of the board of directors, the vice-chairman of the board of directors, the President, the secretary and the treasurer shall be appointed by the board of directors with the approval of the President.

Certain
officers
not to be
members

(2) No officers of the Corporation other than the chairman of the board of directors, the vice-chairman of the board of directors, the secretary and the treasurer shall be members of the Corporation.

(3) No officers of the Corporation other than the President, ^{Certain officers not to be directors} the chairman of the board of directors, the vice-chairman of the board of directors, the secretary and the treasurer shall be directors of the Corporation.

9. The President shall be the chief executive officer and ^{Duties of President} chief administrative officer of the Corporation.

10.—(1) For the purposes of the object of the Corporation, ^{Powers of board of directors} the board of directors has the power to govern and regulate,

- (a) the exchange;
- (b) the partnership and corporate arrangements of the members and other persons authorized to trade on the exchange, including requirements as to financial condition;
- (c) the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business,

and, in the exercise of such powers and in addition to their power to pass by-laws under Part III of *The Corporations Act*, ^{R.S.O. 1960, c. 71} the board of directors may pass such by-laws and make such rules and regulations and issue such orders and directions pursuant to such by-laws as it considers necessary for the purpose, including the imposition of penalties and forfeitures for the breach of any such by-law, rule, regulation, direction or order.

(2) The by-laws of the Corporation existing immediately ^{By-laws continued} before this Act comes into force continue in full force and effect for a period of six months after this Act comes into force or until they are re-enacted or repealed, whichever occurs first.

11. *The Corporations Act*, except sections 114 and 323, ^{Application of R.S.O. 1960, c. 71} apply to the Corporation, except,

- (a) to the extent that the provisions thereof are inconsistent with this Act;
- (b) that a public director may not be removed from office under section 66 of that Act; and
- (c) that the by-laws of the Corporation may,
 - (i) fix the class or classes of persons who may be appointed by a proxy to attend and act at

meetings of members as nominees of members provided that one such class shall be members,

(ii) provide for and regulate the admission of members, including the requiring of approval by the directors or members, or both, at meetings or individually, and the manner in which such approval is to be given, and

(iii) fix the quorum for meetings of the board at five or any larger number of directors as specified in the by-law.

Powers of
Ontario
Securities
Commission
1966, c. 142

12. Nothing in this Act shall be construed to derogate from the powers of the Ontario Securities Commission under *The Securities Act, 1966* or any other Act.

Repeals

13.—(1) The following Acts are repealed:

1878, c. 65

(a) *An Act to incorporate the Toronto Stock Exchange*, being chapter 65 of the Statutes of Ontario, 1878;

1902, c. 106

(b) *An Act to amend the Act of Incorporation of The Toronto Stock Exchange*, being chapter 106 of the Statutes of Ontario, 1902; and

1912, c. 153

(c) *An Act to amend the Act of Incorporation of the Toronto Stock Exchange*, being chapter 153 of the Statutes of Ontario, 1912.

Supple-
mentary
letters
patent
cancelled

(2) The supplementary letters patent dated the 7th day of July, 1941 issued to the Toronto Stock Exchange are cancelled.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Toronto Stock Exchange Act, 1968-69*.

An Act respecting
The Toronto Stock Exchange

1st Reading

April 2nd, 1969

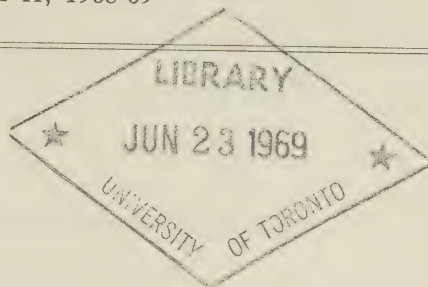
2nd Reading

3rd Reading

MR. ROWNTREE

BILL 110

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act respecting The Toronto Stock Exchange

MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

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- (a) "Corporation" means The Toronto Stock Exchange;
- (b) "exchange" means the stock exchange operated by the Corporation;
- (c) "public director" means a member of the board of directors of the Corporation elected under subsection 2 of section 7.

2. The Toronto Stock Exchange, incorporated by *An Act to incorporate the Toronto Stock Exchange*, being chapter 65 of the Statutes of Ontario, 1878, is continued as a corporation without share capital under the name of "The Toronto Stock Exchange".

Corporation
continues
directors

3. The head office of the Corporation shall be situate in The Municipality of Metropolitan Toronto.

Head Office

4.—(1) The object of the Corporation is to operate a stock exchange in Ontario for trading by the members of the Corporation and other persons authorized under subsection 2.

Objects

(2) The board of directors may authorize persons other than members to trade on the exchange subject to such conditions as are imposed by the board of directors.

Trading
by non-
members

(3) The Corporation shall operate the exchange in a manner that does not contravene the requirements of *The Securities Act, 1966* and the regulations, directions, orders, determinations or rulings made thereunder, and the Corporation may impose any additional or higher requirement within its jurisdiction.

Compliance
with
1966, c. 142

- Non-profit** **5.** The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its object.
- Board of directors** **6.—**(1) The affairs of the Corporation shall be managed by a board of directors, who may be referred to as governors, consisting of,
- (a) the President of the Corporation;
- (b) two public directors; and
- (c) ten persons elected under subsection 3 of section 7.
- Vacancies** (2) Notwithstanding any vacancy in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.
- President** **7.—**(1) The President shall be appointed by the board of directors and may be removed from office by the board of directors only by a vote of two-thirds of the directors then in office.
- Public directors** (2) The public directors shall be elected by the board of directors within one month after the coming into force of this Act and thereafter annually by the board of directors at the first meeting of the board following the annual meeting of the Corporation, to hold office until the next annual meeting of the Corporation and any vacancy occurring among the public directors may be filled by the election of another person for the remainder of the term by the directors then in office, but no person is eligible to be elected as a public director if he is a member of the Corporation and unless his nomination for such election has been approved by the Lieutenant Governor in Council on the recommendation of the President.
- Elected directors** (3) The directors other than the President and public directors shall be elected by the members yearly in such manner as the by-laws of the Corporation provide.
- Transitional board** (4) The directors of the Corporation in office immediately before this Act comes into force shall be deemed to be the directors elected under subsection 3 and shall remain in office until the first annual meeting of the Corporation held after this Act comes into force.
- Idem** (5) The President shall be appointed in accordance with this Act within three months after this Act comes into force.
- Appointment of officers** **8.—**(1) All officers of the Corporation other than the chairman of the board of directors, the vice-chairman of the

board of directors, the President, the secretary and the treasurer shall be appointed by the board of directors with the approval of the President.

(2) No officers of the Corporation other than the chairman of the board of directors, the vice-chairman of the board of directors, the secretary and the treasurer shall be members of the Corporation. Certain officers not to be members

(3) No officers of the Corporation other than the President, the chairman of the board of directors, the vice-chairman of the board of directors, the secretary and the treasurer shall be directors of the Corporation. Certain officers not to be directors

9. The President shall be the chief executive officer and chief administrative officer of the Corporation. Duties of President

10.—(1) For the purposes of the object of the Corporation, the board of directors has the power to govern and regulate, Powers of board of directors

- (a) the exchange;
- (b) the partnership and corporate arrangements of the members and other persons authorized to trade on the exchange, including requirements as to financial condition;
- (c) the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business,

and, in the exercise of such powers and in addition to their power to pass by-laws under Part III of *The Corporations Act*, R.S.O. 1960, c. 71 the board of directors may pass such by-laws and make such rules and regulations and issue such orders and directions pursuant to such by-laws as it considers necessary for the purpose, including the imposition of penalties and forfeitures for the breach of any such by-law, rule, regulation, direction or order.

(2) The by-laws of the Corporation existing immediately before this Act comes into force continue in full force and effect for a period of six months after this Act comes into force or until they are re-enacted or repealed, whichever occurs first. By-laws continued

11. *The Corporations Act*, except sections 114 and 323, apply to the Corporation, except, Application of R.S.O. 1960, c. 71

- (a) to the extent that the provisions thereof are inconsistent with this Act;

(b) that a public director may not be removed from office under section 66 of that Act; and

(c) that the by-laws of the Corporation may,

- (i) fix the class or classes of persons who may be appointed by a proxy to attend and act at meetings of members as nominees of members provided that one such class shall be members,
- (ii) provide for and regulate the admission of members, including the requiring of approval by the directors or members, or both, at meetings or individually, and the manner in which such approval is to be given, and
- (iii) fix the quorum for meetings of the board at five or any larger number of directors as specified in the by-law.

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12. Nothing in this Act shall be construed to derogate from the powers of the Ontario Securities Commission under *The Securities Act, 1966* or any other Act.

Repeals

13.—(1) The following Acts are repealed:

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(a) *An Act to incorporate the Toronto Stock Exchange*, being chapter 65 of the Statutes of Ontario, 1878;

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(b) *An Act to amend the Act of Incorporation of The Toronto Stock Exchange*, being chapter 106 of the Statutes of Ontario, 1902; and

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1st Reading

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2nd Reading

April 28th, 1969

3rd Reading

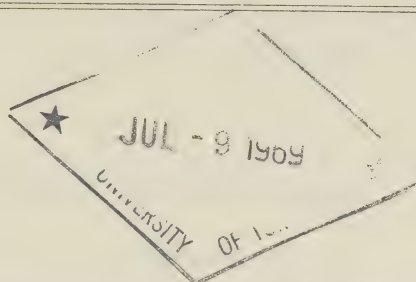
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(3) The Corporation shall operate the exchange in a manner that does not contravene the requirements of *The Securities Act, 1966* and the regulations, directions, orders, determinations or rulings made thereunder, and the Corporation may impose any additional or higher requirement within its jurisdiction.

Compliance
with
1966, c. 142

Non-profit	5. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its object.
Board of directors	6. —(1) The affairs of the Corporation shall be managed by a board of directors, who may be referred to as governors, consisting of, <ul style="list-style-type: none"> (a) the President of the Corporation; (b) two public directors; and (c) ten persons elected under subsection 3 of section 7.
Vacancies	(2) Notwithstanding any vacancy in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.
President	7. —(1) The President shall be appointed by the board of directors and may be removed from office by the board of directors only by a vote of two-thirds of the directors then in office.
Public directors	(2) The public directors shall be elected by the board of directors within one month after the coming into force of this Act and thereafter annually by the board of directors at the first meeting of the board following the annual meeting of the Corporation, to hold office until the next annual meeting of the Corporation and any vacancy occurring among the public directors may be filled by the election of another person for the remainder of the term by the directors then in office, but no person is eligible to be elected as a public director if he is a member of the Corporation and unless his nomination for such election has been approved by the Lieutenant Governor in Council on the recommendation of the President.
Elected directors	(3) The directors other than the President and public directors shall be elected by the members yearly in such manner as the by-laws of the Corporation provide.
Transitional board	(4) The directors of the Corporation in office immediately before this Act comes into force shall be deemed to be the directors elected under subsection 3 and shall remain in office until the first annual meeting of the Corporation held after this Act comes into force.
Idem	(5) The President shall be appointed in accordance with this Act within three months after this Act comes into force.
Appointment of officers	8. —(1) All officers of the Corporation other than the chairman of the board of directors, the vice-chairman of the

board of directors, the President, the secretary and the treasurer shall be appointed by the board of directors with the approval of the President.

(2) No officers of the Corporation other than the chairman of the board of directors, the vice-chairman of the board of directors, the secretary and the treasurer shall be members of the Corporation. Certain officers not to be members

(3) No officers of the Corporation other than the President, the chairman of the board of directors, the vice-chairman of the board of directors, the secretary and the treasurer shall be directors of the Corporation. Certain officers not to be directors

9. The President shall be the chief executive officer and chief administrative officer of the Corporation. Duties of President

10.—(1) For the purposes of the object of the Corporation, the board of directors has the power to govern and regulate, Powers of board of directors

- (a) the exchange;
- (b) the partnership and corporate arrangements of the members and other persons authorized to trade on the exchange, including requirements as to financial condition;
- (c) the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business,

and, in the exercise of such powers and in addition to their power to pass by-laws under Part III of *The Corporations Act*, the board of directors may pass such by-laws and make such rules and regulations and issue such orders and directions pursuant to such by-laws as it considers necessary for the purpose, including the imposition of penalties and forfeitures for the breach of any such by-law, rule, regulation, direction or order. R.S.O. 1960, c. 71

(2) The by-laws of the Corporation existing immediately before this Act comes into force continue in full force and effect for a period of six months after this Act comes into force or until they are re-enacted or repealed, whichever occurs first. By-laws continued

11. *The Corporations Act*, except sections 114 and 323, apply to the Corporation, except, Application of R.S.O. 1960, c. 71

- (a) to the extent that the provisions thereof are inconsistent with this Act;

(b) that a public director may not be removed from office under section 66 of that Act; and

(c) that the by-laws of the Corporation may,

(i) fix the class or classes of persons who may be appointed by a proxy to attend and act at meetings of members as nominees of members provided that one such class shall be members,

(ii) provide for and regulate the admission of members, including the requiring of approval by the directors or members, or both, at meetings or individually, and the manner in which such approval is to be given, and

(iii) fix the quorum for meetings of the board at five or any larger number of directors as specified in the by-law.

Powers of
Ontario
Securities
Commission
1966, c. 142

12. Nothing in this Act shall be construed to derogate from the powers of the Ontario Securities Commission under *The Securities Act, 1966* or any other Act.

Repeals

13.—(1) The following Acts are repealed:

1878, c. 65

(a) *An Act to incorporate the Toronto Stock Exchange*, being chapter 65 of the Statutes of Ontario, 1878;

1902, c. 106

(b) *An Act to amend the Act of Incorporation of The Toronto Stock Exchange*, being chapter 106 of the Statutes of Ontario, 1902; and

1912, c. 153

(c) *An Act to amend the Act of Incorporation of the Toronto Stock Exchange*, being chapter 153 of the Statutes of Ontario, 1912.

Supple-
mentary
letters
patent
cancelled

(2) The supplementary letters patent dated the 7th day of July, 1941 issued to the Toronto Stock Exchange are cancelled.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Toronto Stock Exchange Act, 1968-69*.

An Act respecting
The Toronto Stock Exchange

1st Reading

April 2nd, 1969

2nd Reading

April 28th, 1969

3rd Reading

June 18th, 1969

MR. ROWNTREE

BILL 111

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Mining Tax Act

Mr. LAWRENCE (St. George)



EXPLANATORY NOTES

SECTION 1—Subsection 1. Mine is redefined to permit the examination of accounting records and physical operations under section 9 of the Act of the mining of mineral substances which are not now subject to the provisions of the Act.

Subsection 2. The term "mineral rights" is no longer referred to in the Act and the definition thereof is replaced by a definition of "mineral substance" as complementary to "mine" as defined.

SECTION 2—Subsection 1. The amendment provides that the tax will be at a flat rate instead of a graduated rate and that any person having a profit of less than \$50,000 is not taxable while every person having a profit in excess of \$50,000 will be taxable on the whole profit in a taxation year.

BILL 111

1968-69

An Act to amend The Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Mining Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 242, s. 1,
cl. *d*,
re-enacted

(*d*) “mine” means any opening in or working of the ground from or by which metalliferous ore or other mineral substance, as defined in clause *f*, is taken, and includes the mining claim, mining location and the whole parcel of land in which any such workings are being or have been carried on, but for the purposes of section 9, “mineral substance” includes diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum or sodium chloride recovered by the solution method.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 242, s. 1,
cl. *f*,
re-enacted

(*f*) “mineral substance” means ores, rocks and minerals of every kind whether inorganic or organic, but does not include diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method.

2.—(1) Subsection 1 of section 3 of *The Mining Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 242, s. 3,
subs. 1,
re-enacted

(1) Every mine, whose profit, as determined under this section, exceeds \$50,000 in a taxation year, is liable for and the owner, manager, holder, lessee, tenant,

Profit tax

occupier or operator of the mine shall pay a tax of 15 per cent on the total profit of the mine in the taxation year, as determined under this section.

R.S.O. 1960,
c. 242, s. 3,
subs. 3,
cl. *k*,
amended

(2) Clause *k* of subsection 3 of the said section 3 is amended by adding at the end thereof "and where any such disposal is made at any time after the close of mining operations, notwithstanding subsection 2 of section 10, the tax for the last taxation year shall be re-assessed for the purpose of depreciation recovery where applicable", so that the clause shall read as follows:

- (*k*) an allowance for depreciation of not less than 5 per cent per annum and not more than 15 per cent per annum of the cost or value as determined by the mine assessor at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full value or cost thereof has been allowed as an expense under this section, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of, the proceeds from such disposal shall be applied to reduce the cost or value of any additions thereto in the taxation year, and where such proceeds exceed the cost of such additions, such excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, such excess shall be applied to reduce deductions otherwise allowable under this section, and where any such disposal is made at any time after the close of mining operations, notwithstanding subsection 2 of section 10, the tax for the last taxation year shall be re-assessed for the purpose of depreciation recovery where applicable.

R.S.O. 1960,
c. 242, s. 3,
subs. 3,
amended

(3) Subsection 3 of the said section 3 is amended by striking out "and" at the end of clause *l*, by adding "and" at the end of clause *m* and by adding thereto the following clause:

- (*n*) an allowance for the cost of development of the mine of 10 per cent per annum of the capitalized cost of development, provided,
 - (i) that such mine came into production after the 1st day of January, 1965,
 - (ii) that the ore taken from the mine is benefited, at least to the smelter stage, in Canada,

Subsection 2. The amendment is to make it clear that depreciation recovery will be enforced after a mine closes down.

Subsections 3, 4 and 5. The new clause *n* will permit the allowance of pre-production expense of mines which came into production after the 1st day of January, 1965, on the conditions set out in the clause. Provision is made for excepting certain ores.

Subsection 6. Subsection 5 of section 3, which provides that Emergency Gold Mining Assistance received may be applied to the reduction of expenditure otherwise allowable under the Act, is repealed.

SECTION 3.—Subsections 1 and 2. Section 10 is revised to provide for the preparation of the tax roll after assessments for a year have been completed and thus bring it in line with present practice, and to provide that the assessment of the mine assessor will be subject to appeal by the Minister of Revenue as well as the taxpayer.

(iii) that it is assumed that 10 per cent of the cost of such development has been written off for each taxation year of production prior to the first taxation year in which the ore or part thereof is or has been treated to at least the smelter stage in Canada or prior to the taxation year ending in the year 1969, whichever is the later, and

(iv) that if any portion of the ore has been or will be smelted outside Canada, then only that proportion of the annual allowance for the cost of development work that the selling value of the product of the ore treated to at least the smelter stage in Canada bears to the selling value of all products of the mine will be permitted as a deduction.

(4) The said section 3 is amended by adding thereto the following subsection.

R.S.O. 1960,
c. 242, s. 3,
amended

(3a) The Lieutenant Governor in Council may exempt any ore taken from a mine from the provisions of subclauses ii, iii and iv of clause *n* of subsection 3.

Exemption
of ore
under
subs. 3,
cl. *n*

(5) Clause *e* of subsection 4 of the said section 3 is amended by adding at the end thereof "except as provided in clause *n* of subsection 3", so that the clause shall read as follows:

R.S.O. 1960,
c. 242, s. 3,
subs. 4,
cl. *e*,
amended

(*e*) cost of development of the mine liable for taxation under this Act before the commencement of output therefrom, except as provided in clause *n* of subsection 3.

(6) Subsection 5 of the said section 3 is repealed.

R.S.O. 1960,
c. 242, s. 3,
subs. 5,
repealed

3.—(1) Subsection 1 of section 10 of *The Mining Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 242, s. 10,
subs. 1,
re-enacted

(1) A mine assessor or other officer or person acting under the direction of the Minister shall, as soon as practicable after sending the assessment notices under section 11, prepare a tax roll showing all mines and persons assessed for the taxes imposed under section 3 and showing the quantity and value of output from each mine, the amount of deductions therefrom under various headings as far as is practicable, the profits for which each mine and person is assessed and the amount of tax payable by each.

Preparation
of tax roll

Appeal

- (1a) Where the person liable for the payment of tax under section 3 is not satisfied with the notice of assessment of such tax sent under section 11, he may appeal the assessment, as provided in subsection 3, within fifteen days after the mailing of the notice.

R.S.O. 1960,
c. 242, s. 10,
subs. 3,
amended

- (2) Subsection 3 of the said section 10 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsection 1a".

R.S.O. 1960,
c. 242, s. 10,
subs. 4,
repealed

- (3) Subsection 4 of the said section 10 is repealed.

R.S.O. 1960,
c. 242, s. 10,
subs. 5,
amended

- (4) Subsection 5 of the said section 10 is amended by striking out "direction or reference under subsection 3 or 4" in the second and third lines and inserting in lieu thereof "reference under subsection 3".

R.S.O. 1960,
c. 242, s. 12,
re-enacted

4. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Payment of
municipal or
school
board tax
under
R.S.O. 1960,
c. 23

12. Where a person who is liable for payment of tax under section 3 is also during any year in which such tax is payable liable to a municipality or a school board of a school section in territory without municipal organization for a tax under subsection 11 of section 35 of *The Assessment Act*, the amount of the tax under such subsection 11 shall be paid, subject to an appeal under section 10, to the municipality or school board out of the tax paid under section 3.

R.S.O. 1960,
c. 242, s. 13,
amended

5. Section 13 of *The Mining Tax Act* is amended by striking out "Minister" in the fifth line and inserting in lieu thereof "Lieutenant Governor in Council", so that the section shall read as follows:

Compromise
of tax

13. In case any doubt or dispute arises as to the liability of any person to pay a tax or any part of a tax demanded under this Act, or where owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Lieutenant Governor in Council may compromise the matter by the acceptance of such amount as he deems proper; and in case the tax claimed has been paid under protest he may refund it or any part of it to the person making such payment.

R.S.O. 1960,
c. 242, s. 14,
re-enacted

6. Section 14 of *The Mining Tax Act* is repealed and the following substituted therefor:

Subsections 3 and 4. The provisions permitting the Minister to conduct investigations in lieu of appeal are redundant and are repealed. The reference thereto in subsection 5 is deleted.

SECTION 4. Section 12 is revised to bring it in line with present practice. Where a person is liable to a tax under *The Mining Tax Act* and also to a municipal tax on mine profits, payment of the municipal tax is made out of the tax payable under *The Mining Tax Act* rather than an allowance being made for the municipal tax as is now provided for in section 12.

SECTION 5. The amendment transfers the responsibility for a compromise of tax from the Minister to the Lieutenant Governor in Council.

SECTION 6. The amendment transfers the responsibility for a remission of tax on iron ore treated at smelters in Canada from the Minister to the Lieutenant Governor in Council.

SECTION 7. The amendment transfers the responsibility for the remission of the first \$250 of tax from the Minister to the Lieutenant Governor in Council.

SECTION 8. Section 26 is amended to remove descriptive words that are superfluous by reason of the definition of mine.

SECTION 9. Section 33, authorizing the making of regulations, is repealed. The power is expressed in general terms and has never been used.

Section 34 and *The Mining Tax Amendment Act, 1959* are repealed as obsolete. The amending Act was never proclaimed in force.

14. The Lieutenant Governor in Council may remit the tax under clause *a* of subsection 1 of section 3 upon the profits arising out of the mining of iron ore where he is satisfied that the iron ore has been smelted in Canada or delivered to a blast furnace therein for the purpose of being smelted. Remission of tax on iron ore profits

7. Subsection 2 of section 15 of *The Mining Tax Act* is amended by striking out "Minister" in the first line and inserting in lieu thereof "Lieutenant Governor in Council", so that the subsection shall read as follows: R.S.O. 1960, c. 242, s. 15, subs. 2, amended

- (2) The Lieutenant Governor in Council may remit the annual tax to the extent of \$250 on natural gas consumed in Canada. Remission of tax

8. Section 26 of *The Mining Tax Act* is amended by striking out "mining location, mining claim, land or mining rights and upon all ore, minerals or mineral-bearing substances taken therefrom" in the third, fourth and fifth lines, so that the section shall read as follows: R.S.O. 1960, c. 242, s. 26, amended

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the gas well or wells and the leases of and rights respecting the same and upon all machinery upon or connected with the mine or gas well or wells in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien. Special lien and priority of the tax

9.—(1) Sections 33 and 34 of *The Mining Tax Act* are repealed. R.S.O. 1960, c. 242, ss. 33, 34, repealed

- (2) *The Mining Tax Amendment Act, 1959* is repealed. 1959, c. 61, repealed

10.—(1) Subsection 1 of section 3 of *The Mining Tax Act*, as re-enacted by subsection 1 of section 2, applies with respect to taxation years ending in 1969 and subsequent taxation years. Application of Act R.S.O. 1960, c. 242

(2) Clause *k* of subsection 3 of section 3 of *The Mining Tax Act*, as amended by subsection 2 of section 2, and clause *n* of subsection 3 of the said section 3, as enacted by subsection 3 Idem

of section 2, apply with respect to taxation years ending in 1969 and subsequent taxation years.

Idem

(3) Clause *e* of subsection 4 of section 3 of *The Mining Tax Act*, as amended by subsection 5 of section 2, is effective with respect to taxation years ending in 1969 and subsequent taxation years.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Mining Tax Amendment Act, 1968-69*.

An Act to amend The Mining Tax Act

1st Reading

April 2nd, 1969

2nd Reading

3rd Reading

MR. LAWRENCE (St. George)

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Government
Publications

BILL 111

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Mining Tax Act

MR. LAWRENCE (St. George)

BILL 111

1968-69

An Act to amend The Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Mining Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 242, s. 1,
cl. *d*,
re-enacted

(*d*) “mine” means any opening in or working of the ground from or by which metalliferous ore or other mineral substance, as defined in clause *f*, is taken, and includes the mining claim, mining location and the whole parcel of land in which any such workings are being or have been carried on, but for the purposes of section 9, “mineral substance” includes diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum or sodium chloride recovered by the solution method.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 242, s. 1,
cl. *f*,
re-enacted

(*f*) “mineral substance” means ores, rocks and minerals of every kind whether inorganic or organic, but does not include diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method.

2.—(1) Subsection 1 of section 3 of *The Mining Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 242, s. 3,
subs. 1,
re-enacted

(1) Every mine, whose profit, as determined under this section, exceeds \$50,000 in a taxation year, is liable for and the owner, manager, holder, lessee, tenant,

Profit tax

occupier or operator of the mine shall pay a tax of 15 per cent on the total profit of the mine in the taxation year, as determined under this section.

R.S.O. 1960,
c. 242, s. 3,
subs. 3,
cl. *k*,
amended

(2) Clause *k* of subsection 3 of the said section 3 is amended by adding at the end thereof "and where any such disposal is made at any time after the close of mining operations, notwithstanding subsection 2 of section 10, the tax for the last taxation year shall be re-assessed for the purpose of depreciation recovery where applicable", so that the clause shall read as follows:

- (*k*) an allowance for depreciation of not less than 5 per cent per annum and not more than 15 per cent per annum of the cost or value as determined by the mine assessor at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full value or cost thereof has been allowed as an expense under this section, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of, the proceeds from such disposal shall be applied to reduce the cost or value of any additions thereto in the taxation year, and where such proceeds exceed the cost of such additions, such excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, such excess shall be applied to reduce deductions otherwise allowable under this section, and where any such disposal is made at any time after the close of mining operations, notwithstanding subsection 2 of section 10, the tax for the last taxation year shall be re-assessed for the purpose of depreciation recovery where applicable.

R.S.O. 1960,
c. 242, s. 3,
subs. 3,
amended

(3) Subsection 3 of the said section 3 is amended by striking out "and" at the end of clause *l*, by adding "and" at the end of clause *m* and by adding thereto the following clause:

- (*n*) an allowance for the cost of development of the mine of 10 per cent per annum of the capitalized cost of development, provided,
 - (i) that such mine came into production after the 1st day of January, 1965,
 - (ii) that the ore taken from the mine is beneficiated, at least to the smelter stage, in Canada,

(iii) that it is assumed that 10 per cent of the cost of such development has been written off for each taxation year of production prior to the first taxation year in which the ore or part thereof is or has been treated to at least the smelter stage in Canada or prior to the taxation year ending in the year 1969, whichever is the later, and

(iv) that if any portion of the ore has been or will be smelted outside Canada, then only that proportion of the annual allowance for the cost of development work that the selling value of the product of the ore treated to at least the smelter stage in Canada bears to the selling value of all products of the mine will be permitted as a deduction.

(4) The said section 3 is amended by adding thereto the following subsection. R.S.O. 1960,
c. 242, s. 3,
amended

(3a) The Lieutenant Governor in Council may exempt any ore taken from a mine from the provisions of subclauses ii, iii and iv of clause *n* of subsection 3. Exemption
of ore
under
subs. 3,
cl. *n*

(5) Clause *e* of subsection 4 of the said section 3 is amended by adding at the end thereof "except as provided in clause *n* of subsection 3", so that the clause shall read as follows: R.S.O. 1960,
c. 242, s. 3,
subs. 4,
cl. *e*,
amended

(*e*) cost of development of the mine liable for taxation under this Act before the commencement of output therefrom, except as provided in clause *n* of subsection 3.

(6) Subsection 5 of the said section 3 is repealed.

R.S.O. 1960,
c. 242, s. 3,
subs. 5,
repealed

3.—(1) Subsection 1 of section 10 of *The Mining Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 242, s. 10,
subs. 1,
re-enacted

(1) A mine assessor or other officer or person acting under the direction of the Minister shall, as soon as practicable after sending the assessment notices under section 11, prepare a tax roll showing all mines and persons assessed for the taxes imposed under section 3 and showing the quantity and value of output from each mine, the amount of deductions therefrom under various headings as far as is practicable, the profits for which each mine and person is assessed and the amount of tax payable by each. Preparation
of tax roll

Appeal

- (1a) Where the person liable for the payment of tax under section 3 is not satisfied with the notice of assessment of such tax sent under section 11, he may appeal the assessment, as provided in subsection 3, within fifteen days after the mailing of the notice.

R.S.O. 1960,
c. 242, s. 10,
subs. 3,
amended

- (2) Subsection 3 of the said section 10 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsection 1a".

R.S.O. 1960,
c. 242, s. 10,
subs. 4,
repealed

- (3) Subsection 4 of the said section 10 is repealed.

R.S.O. 1960,
c. 242, s. 10,
subs. 5,
amended

- (4) Subsection 5 of the said section 10 is amended by striking out "direction or reference under subsection 3 or 4" in the second and third lines and inserting in lieu thereof "reference under subsection 3".

R.S.O. 1960,
c. 242, s. 12,
re-enacted

4. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Payment of
municipal or
school
board tax
under
R.S.O. 1960,
c. 23

12. Where a person who is liable for payment of tax under section 3 is also during any year in which such tax is payable liable to a municipality or a school board of a school section in territory without municipal organization for a tax under subsection 11 of section 35 of *The Assessment Act*, the amount of the tax under such subsection 11 shall be paid, subject to an appeal under section 10, to the municipality or school board out of the tax paid under section 3.

R.S.O. 1960,
c. 242, s. 13,
amended

5. Section 13 of *The Mining Tax Act* is amended by striking out "Minister" in the fifth line and inserting in lieu thereof "Lieutenant Governor in Council", so that the section shall read as follows:

Compromise
of tax

13. In case any doubt or dispute arises as to the liability of any person to pay a tax or any part of a tax demanded under this Act, or where owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Lieutenant Governor in Council may compromise the matter by the acceptance of such amount as he deems proper; and in case the tax claimed has been paid under protest he may refund it or any part of it to the person making such payment.

R.S.O. 1960,
c. 242, s. 14,
re-enacted

6. Section 14 of *The Mining Tax Act* is repealed and the following substituted therefor:

14. The Lieutenant Governor in Council may remit the tax under clause *a* of subsection 1 of section 3 upon the profits arising out of the mining of iron ore where he is satisfied that the iron ore has been smelted in Canada or delivered to a blast furnace therein for the purpose of being smelted. Remission of tax on iron ore profits

7. Subsection 2 of section 15 of *The Mining Tax Act* is amended by striking out "Minister" in the first line and inserting in lieu thereof "Lieutenant Governor in Council", so that the subsection shall read as follows: R.S.O. 1960, c. 242, s. 15, subs. 2, amended

- (2) The Lieutenant Governor in Council may remit the annual tax to the extent of \$250 on natural gas consumed in Canada. Remission of tax

8. Section 26 of *The Mining Tax Act* is amended by striking out "mining location, mining claim, land or mining rights and upon all ore, minerals or mineral-bearing substances taken therefrom" in the third, fourth and fifth lines, so that the section shall read as follows: R.S.O. 1960, c. 242, s. 26, amended

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the gas well or wells and the leases of and rights respecting the same and upon all machinery upon or connected with the mine or gas well or wells in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien. Special lien and priority of the tax

9.—(1) Sections 33 and 34 of *The Mining Tax Act* are repealed. R.S.O. 1960, c. 242, ss. 33, 34, repealed

- (2) *The Mining Tax Amendment Act, 1959* is repealed. 1959, c. 61, repealed

10.—(1) Subsection 1 of section 3 of *The Mining Tax Act*, as re-enacted by subsection 1 of section 2, applies with respect to taxation years ending in 1969 and subsequent taxation years. Application of Act R.S.O. 1960, c. 242

- (2) Clause *k* of subsection 3 of section 3 of *The Mining Tax Act*, as amended by subsection 2 of section 2, and clause *n* of subsection 3 of the said section 3, as enacted by subsection 3 Idem

of section 2, apply with respect to taxation years ending in 1969 and subsequent taxation years.

Idem

(3) Clause *e* of subsection 4 of section 3 of *The Mining Tax Act*, as amended by subsection 5 of section 2, is effective with respect to taxation years ending in 1969 and subsequent taxation years.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Mining Tax Amendment Act, 1968-69*.

An Act to amend The Mining Tax Act

1st Reading

April 2nd, 1969

2nd Reading

April 29th, 1969

3rd Reading

June 6th, 1969

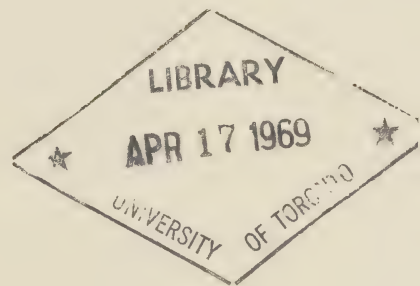
MR. LAWRENCE (St. George)

BILL 112

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Mining Act

MR. LAWRENCE (St. George)



EXPLANATORY NOTE

The Bill requires all ores and minerals mined in Ontario to be refined in Canada. The previous provision exempted iron ore from this requirement and was limited to ores and minerals removed from lands patented, leased or otherwise disposed of under *The Mining Act* on or after the 12th day of April, 1917.

BILL 112

1968-69

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 106 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 241, s. 106,
re-enacted

- 106.—(1) All lands, claims or mining rights patented, leased or otherwise disposed of under this or any other Act or by any authority whatsoever, are subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined in Canada, so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the Lieutenant Governor in Council may declare the lease, patent or other form of title of such lands, claims or mining rights to be void, and the order in council so declaring shall be registered in the office of the proper master of titles or registry office, as the case may be, or in the case of a licence of occupation, filed in the Minister's office, whereupon such lands, claims or mining rights revert to and become vested in Her Majesty, Her heirs and successors, freed and discharged of any interest or claim of any other person. Condition
of patent
ores to be
treated in
Canada
- (2) The Lieutenant Governor in Council may exempt any lands, claims or mining rights from the operation of this section for such period of time as seems proper. Exemptions
- (3) Where there is any conflict between the provisions of this section and the provisions of any general or special Act, the provisions of this section prevail. Where
conflict,
section
prevails

2. This Act comes into force on the 1st day of January, 1970. Commence-
ment

3. This Act may be cited as *The Mining Amendment Act, 1968-69 (No. 2)*. Short title

An Act to amend The Mining Act

1st Reading

April 2nd, 1969

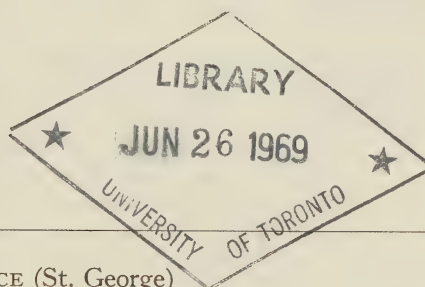
2nd Reading

3rd Reading

MR. LAWRENCE (St. George)

BILL 112

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Mining Act

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 112

1968-69

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 106 of *The Mining Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 106, re-enacted

106.—(1) All lands, claims or mining rights patented, leased or otherwise disposed of under this or any other Act or by any authority whatsoever, are subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined in Canada, so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the Lieutenant Governor in Council may declare the lease, patent or other form of title of such lands, claims or mining rights to be void, and the order in council so declaring shall be registered in the office of the proper master of titles or registry office, as the case may be, or in the case of a licence of occupation, filed in the Minister's office, whereupon such lands, claims or mining rights revert to and become vested in Her Majesty, Her heirs and successors, freed and discharged of any interest or claim of any other person. Condition of patent ores to be treated in Canada

(2) The Lieutenant Governor in Council may exempt any lands, claims or mining rights from the operation of this section for such period of time as seems proper. Exemptions

(3) Where there is any conflict between the provisions of this section and the provisions of any general or special Act, the provisions of this section prevail. Where conflict, section prevails

2. This Act comes into force on the 1st day of January, 1970. Commencement

3. This Act may be cited as *The Mining Amendment Act, 1968-69 (No. 2)*. Short title

An Act to amend The Mining Act

1st Reading

April 2nd, 1969

2nd Reading

April 29th, 1969

3rd Reading

June 6th, 1969

MR. LAWRENCE (St. George)

BILL 113

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2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Game and Fish Act, 1961-62

Mr. BROWN



EXPLANATORY NOTES

SECTIONS 1 AND 2. Complementary to section 3 of the Bill.

SECTION 3. The re-enacted section prohibits the use of dogs in hunting and fishing.

SECTIONS 4 AND 5. Complementary to section 3 of the Bill.

BILL 113

1968-69

An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 17 of *The Game and Fish Act*, 1961-62, c. 48, s. 17, 1961-62 is amended by striking out "or allow a dog to enter into" in the second line, so that the subsection shall read ^{subs. 3, amended} as follows:

- (3) No person shall, for the purpose of hunting or ^{Growing crops} fishing, enter into growing or standing grain or any other crop, whether of one kind or not, without the permission of the owner or a person authorized by the owner to give such permission.

2. Section 23 of *The Game and Fish Act*, 1961-62, as ^{1961-62, c. 48, s. 23, amended} amended by section 5 of *The Game and Fish Amendment Act*, 1964, is further amended by striking out "when accompanied by a dog licensed therefor" in the third and fourth lines, so that the section shall read as follows:

23. Notwithstanding section 22, the holder of a licence ^{Exception, raccoon hunting} to hunt raccoon may possess or use a fire-arm of a calibre or type prescribed by the regulations for the purpose of hunting raccoon during the open season therefor.

3. Section 68 of *The Game and Fish Act*, 1961-62 is re- ^{1961-62, c. 48, s. 68, re-enacted} pealed and the following substituted therefor:

68. Notwithstanding anything in this Act, no person ^{Use of dogs prohibited} shall use or be accompanied by a dog while hunting game or while fishing.

4.—(1) Subsection 1 of section 69 of *The Game and Fish Act*, 1961-62 is amended by inserting after "found" where it ^{1961-62, c. 48, s. 69, subs. 1, amended} occurs the second time in the fourth line "running at large or", so that the subsection shall read as follows:

Dogs
running at
large, etc.

- (1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer in a locality that deer usually inhabit or in which they are usually found, and a dog found running at large or running deer during the closed season for deer in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor.

1961-62,
c. 48, s. 69,
subs. 2,
repealed

- (2) Subsection 2 of the said section 69 is repealed.

1961-62,
c. 48, s. 83,
par. 11,
repealed

- 5.** Paragraph 11 of section 83 of *The Game and Fish Act, 1961-62* is repealed.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Game and Fish Amendment Act, 1968-69*.

An Act to amend
The Game and Fish Act, 1961-62

1st Reading

April 2nd, 1969

2nd Reading

3rd Reading

MR. BROWN

BILL 114

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Planning Act

MR. BROWN



EXPLANATORY NOTE

The amendment ensures that home care can be provided for children with social needs.

BILL 114

1968-69

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Planning Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 296, s. 30, amended

- (3) No by-law passed under this section shall restrict or prohibit the occupancy or use of residential accommodation by persons who are living together as a family for the purpose of providing normal home environment for a child or children in the absence of their parents, notwithstanding that such persons are not related. Home environment for social purposes

2. This Act applies to all by-laws in force when this Act comes into force or passed thereafter. Application

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Planning Amendment Act, 1968-69*. Short title

An Act to amend The Planning Act

1st Reading

April 2nd, 1969

2nd Reading

3rd Reading

MR. BROWN

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B
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Publications

BILL 115

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Provincial Courts Act, 1968

MR. SHULMAN



EXPLANATORY NOTE

The purpose of this Bill is to raise the upper age limit of persons, who are to be dealt with as juvenile delinquents by the Provincial Courts, from sixteen years of age to eighteen years of age.

BILL 115

1968-69

**An Act to amend
The Provincial Courts Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Provincial Courts Act, 1968* is amended by adding thereto the following subsection: 1968,
c. 103, s. 17,
amended

(3) For the purposes of the *Juvenile Delinquents Act* Interpre-
tation
R.S.C. 1952,
c. 160 (Canada), in Ontario "child" means any boy or girl actually or apparently under the age of eighteen years.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Provincial Courts Amendment Act, 1968-69*. Short title

An Act to amend
The Provincial Courts Act, 1968

1st Reading

April 2nd, 1969

2nd Reading

3rd Reading

MR. SHULMAN

BILL 116

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2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to regulate the Marketing of Freshwater Fish

MR. BRUNELLE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Bill provides for the marketing of freshwater fish in a designated part of Ontario and the participation of the fishermen in the designated part in a plan of fish marketing being established under federal legislation controlling fish marketing in the Prairie Provinces, the territories and the designated area of Ontario.

BILL 116

1968-69

An Act to regulate the Marketing of Freshwater Fish

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "Corporation" means the Freshwater Fish Marketing Corporation established under the Federal Act;
- (b) "designated area" means the part or parts of Ontario designated by regulations made under section 2;
- (c) "Federal Act" means the *Freshwater Fish Marketing Act* (Canada), as amended or re-enacted from time to time; 1969, c.
(Can.)
- (d) "fish" means round, dressed or filleted fish of any species enumerated in the Schedule to the Federal Act, whether fresh or frozen and whether packaged or unpackaged, that are fished for commercial purposes in the designated area, and includes parts of any such fish;
- (e) "fisherman" means a person licensed pursuant to the *Fisheries Act* (Canada) or the regulations there- R.S.C. 1952,
c. 119 under to fish for commercial purposes in the designated area, and includes any person acting on behalf of and representing any two or more persons so licensed;
- (f) "inspector" means a person designated by the Minister as an inspector under this Act, or a person declared to be an inspector *ex officio* under this Act;
- (g) "Minister" means the Minister of Lands and Forests;

(h) "regulations" means the regulations made under this Act.

POWERS OF THE CORPORATION

Designation of Corporation **2.**—(1) The Lieutenant Governor in Council may make regulations designating the Corporation as the body to control the selling and buying of fish in such part or parts of Ontario as may be designated in the regulations.

Director (2) Where a regulation has been made under subsection 1, the Lieutenant Governor in Council may recommend the appointment of a director of the Corporation.

Corporation to buy all fish offered **3.** Where a regulation has been made under subsection 1 of section 2, all fish lawfully fished by a fisherman and offered by him for sale to the Corporation for disposal in intra-provincial trade shall be bought by the Corporation from the fisherman upon such terms and conditions and for such price as may be agreed upon by the Corporation and the fisherman, subject to any applicable scheme for payment established and operated by the Corporation pursuant to section 24 of the Federal Act.

INSPECTORS

Designation of inspectors **4.**—(1) The Minister may designate an inspector or inspectors whose duties are to carry out the provisions of this Act and the regulations.

Idem (2) The Lieutenant Governor in Council may declare that inspectors designated under the Federal Act or appointed under the *Fish Inspection Act* (Canada) are inspectors *ex officio* under this Act.

R.S.C. 1952, c. 118
Powers of inspector **5.**—(1) An inspector may at any reasonable time,

(a) enter any place or premises that he reasonably believes is being used to store, pack, process or prepare fish for market or shipment or any vehicle, trailer, vessel, railway car or aircraft that he reasonably believes is being used to ship or convey fish for market;

(b) open any container found therein or examine anything found therein that he reasonably believes contains any such fish, and take samples thereof; and

(c) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading,

invoices or other documents or papers concerning any matter relevant to the administration of this Act.

(2) An inspector shall be furnished with a certificate of his designation or appointment as an inspector and on entering any place, premises or conveyance referred to in subsection 1 shall, if so required, produce the certificate to the person in charge thereof. ^{Certificate of appointment}

(3) The owner or person in charge of any place, premises or conveyance referred to in subsection 1 and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and powers under this Act and shall furnish him with such information with respect to the administration of this Act as he may reasonably require. ^{Assistance to inspector}

6.—(1) Where an inspector believes on reasonable grounds that any provision of this Act has been contravened, he may seize and detain the fish by means of or in relation to which he reasonably believes the contravention was committed. ^{Seizure}

(2) Any fish seized and detained pursuant to subsection 1 shall not be detained after, ^{Detention}

(a) in the opinion of an inspector, the provisions of this Act have been complied with; or

(b) the expiration of ninety days from the day of seizure,

unless before that time proceedings have been instituted in respect of the contravention, in which event the fish may be detained until the proceedings are finally concluded.

(3) Where a person has been convicted of a contravention of any provision of this Act, any fish by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty if such forfeiture is directed by the court. ^{Forfeiture}

7.—(1) No person shall obstruct or hinder an inspector in carrying out his duties or exercising his powers under this Act or the regulations. ^{Obstruction of inspectors}

(2) No person shall make a false or misleading statement either orally or in writing to an inspector engaged in carrying out his duties or exercising his powers under this Act or the regulations. ^{False statements}

REGULATION OF INTRAPROVINCIAL TRADE

Intra-
provincial
trade
in fish

8. Except as otherwise provided in the regulations or except in accordance with the terms and conditions set forth in any licence that may be issued by the Corporation in that behalf, no person other than the Corporation or an agent of the Corporation shall sell or buy, or agree to sell or buy, fish.

PARTICIPATING AGREEMENT

Agreement

9. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario enter into an agreement with the Government of Canada providing for,

- (a) the sharing by Ontario with the Government of Canada of initial operating and establishment expenses of the Corporation and of any losses incurred as a result of the guarantee, under subsection 1 of section 17 of the Federal Act, of repayment of loans, and interest thereon, made by any bank to the Corporation;
- (b) the performance by the Corporation, on behalf of Ontario, of functions relating to intraprovincial trade in fish;
- (c) the undertaking by Ontario of arrangements for the payment, to the owner of any plant or equipment used in storing, processing or otherwise preparing fish for market, of compensation for any such plant or equipment that will or may be rendered redundant by reason of any operations authorized to be carried out by the Corporation under this Act; and
- (d) such other matters as may be agreed upon by the Minister and the Government of Canada.

OFFENCES AND PENALTIES

Offences

10. Every person who, or whose employee or agent, contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Offence by
agent or
employee

11. In any prosecution for an offence under this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that

the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

12. Any proceedings by way of summary conviction in ^{Time limit} respect of an offence against this Act or the regulations may be instituted at any time within one year after the time when the subject matter of the proceedings arose.

REGULATIONS

13.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) requiring licences to send, convey or carry fish in Ontario;
- (b) governing the issue and form of licences and prescribing the terms and conditions thereof;
- (c) exempting from the application of all or any of the provisions of this Act, either conditionally or unconditionally and either in general terms or for a specified period, any species of fish, any part of the designated area, any transaction, person or class of transactions or persons;
- (d) respecting the detention of fish seized under this Act and for preserving or safeguarding the fish so detained.
- (e) respecting the disposition of fish forfeited under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under this Act may be limited as ^{Regulation may be limited} to time and place.

14. This Act comes into force on a day to be named by the ^{Commencement} Lieutenant Governor by his proclamation.

15. This Act may be cited as *The Freshwater Fish Market-* ^{Short title} *ing Act (Ontario), 1968-69.*

An Act to regulate the
Marketing of Freshwater Fish

1st Reading

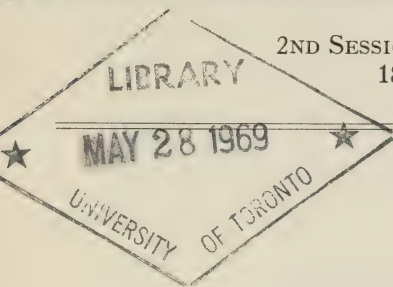
April 3rd, 1969

2nd Reading

3rd Reading

MR. BRUNELLE

BILL 116



2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to regulate the Marketing of Freshwater Fish

MR. BRUNELLE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the marketing of freshwater fish in a designated part of Ontario and the participation of the fishermen in the designated part in a plan of fish marketing being established under federal legislation controlling fish marketing in the Prairie Provinces, the territories and the designated area of Ontario.

An Act to regulate the Marketing of Freshwater Fish

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "Corporation" means the Freshwater Fish Marketing Corporation established under the Federal Act;
- (b) "designated area" means the part or parts of Ontario designated by regulations made under section 2;
- (c) "Federal Act" means the *Freshwater Fish Marketing Act* (Canada), as amended or re-enacted from time to time; ^{1969, c. (Can.)}
- (d) "fish" means round, dressed or filleted fish of any species enumerated in the Schedule to the Federal Act, whether fresh or frozen and whether packaged or unpackaged, that are fished for commercial purposes in the designated area, and includes parts of any such fish;
- (e) "fisherman" means a person licensed pursuant to the *Fisheries Act* (Canada) or the regulations there- ^{R.S.C. 1952, c. 119} under to fish for commercial purposes in the designated area, and includes any person acting on behalf of and representing any two or more persons so licensed;
- (f) "inspector" means a person designated by the Minister as an inspector under this Act, or a person declared to be an inspector *ex officio* under this Act;
- (g) "Minister" means the Minister of Lands and Forests;

(h) "regulations" means the regulations made under this Act.

POWERS OF THE CORPORATION

Designation of Corporation **2.**—(1) The Lieutenant Governor in Council may make regulations designating the Corporation as the body to control the selling and buying of fish in such part or parts of Ontario as may be designated in the regulations.

Director (2) Where a regulation has been made under subsection 1, the Lieutenant Governor in Council may recommend the appointment of a director of the Corporation.

Corporation to buy all fish offered **3.** Where a regulation has been made under subsection 1 of section 2, all fish lawfully fished by a fisherman and offered by him for sale to the Corporation for disposal in intra-provincial trade shall be bought by the Corporation from the fisherman upon such terms and conditions and for such price as may be agreed upon by the Corporation and the fisherman, subject to any applicable scheme for payment established and operated by the Corporation pursuant to section 24 of the Federal Act.

INSPECTORS

Designation of inspectors **4.**—(1) The Minister may designate an inspector or inspectors whose duties are to carry out the provisions of this Act and the regulations.

Idem (2) The Lieutenant Governor in Council may declare that inspectors designated under the Federal Act or appointed under the *Fish Inspection Act* (Canada) are inspectors *ex officio* under this Act.

Powers of inspector **5.**—(1) An inspector may at any reasonable time,

(a) enter any place or premises that he reasonably believes is being used to store, pack, process or prepare fish for market or shipment or any vehicle, trailer, vessel, railway car or aircraft that he reasonably believes is being used to ship or convey fish for market;

(b) open any container found therein or examine anything found therein that he reasonably believes contains any such fish, and take samples thereof; and

(c) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading,

invoices or other documents or papers concerning any matter relevant to the administration of this Act.

(2) An inspector shall be furnished with a certificate of his designation or appointment as an inspector and on entering any place, premises or conveyance referred to in subsection 1 shall, if so required, produce the certificate to the person in charge thereof. ^{Certificate of appointment}

(3) The owner or person in charge of any place, premises or conveyance referred to in subsection 1 and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and powers under this Act and shall furnish him with such information with respect to the administration of this Act as he may reasonably require. ^{Assistance to inspector}

6.—(1) Where an inspector believes on reasonable grounds that any provision of this Act has been contravened, he may seize and detain the fish by means of or in relation to which he reasonably believes the contravention was committed. ^{Seizure}

(2) Any fish seized and detained pursuant to subsection 1 shall not be detained after, ^{Detention}

(a) in the opinion of an inspector, the provisions of this Act have been complied with; or

(b) the expiration of ninety days from the day of seizure,

unless before that time proceedings have been instituted in respect of the contravention, in which event the fish may be detained until the proceedings are finally concluded.

(3) Where a person has been convicted of a contravention of any provision of this Act, any fish by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty if such forfeiture is directed by the court. ^{Forfeiture}

7.—(1) No person shall obstruct or hinder an inspector in carrying out his duties or exercising his powers under this Act or the regulations. ^{Obstruction of inspectors}

(2) No person shall make a false or misleading statement either orally or in writing to an inspector engaged in carrying out his duties or exercising his powers under this Act or the regulations. ^{False statements}

REGULATION OF INTRAPROVINCIAL TRADE

Intra-
provincial
trade
in fish

8. Except as otherwise provided in the regulations or except in accordance with the terms and conditions set forth in any licence that may be issued by the Corporation in that behalf, no person other than the Corporation or an agent of the Corporation shall sell or buy, or agree to sell or buy, fish.

PARTICIPATING AGREEMENT

Agreement

9. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario enter into an agreement with the Government of Canada providing for,

- (a) the sharing by Ontario with the Government of Canada of initial operating and establishment expenses of the Corporation and of any losses incurred as a result of,
 - (i) the guarantee of repayment of loans and interest thereon, made by any bank to the Corporation, and
 - (ii) loans made by Canada to the Corporation,
 under subsection 1 of section 17 of the Federal Act.
- (b) the performance by the Corporation, on behalf of Ontario, of functions relating to intraprovincial trade in fish;
- (c) the undertaking by Ontario of arrangements for the payment, to the owner of any plant or equipment used in storing, processing or otherwise preparing fish for market, of compensation for any such plant or equipment that will or may be rendered redundant by reason of any operations authorized to be carried out by the Corporation; and
- (d) such other matters as may be agreed upon by the Minister and the Government of Canada.

OFFENCES AND PENALTIES

Offences

10. Every person who, or whose employee or agent, contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Offence by
agent or
employee

11. In any prosecution for an offence under this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused

whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

12. Any proceedings by way of summary conviction in ^{Time limit} respect of an offence against this Act or the regulations may be instituted at any time within one year after the time when the subject matter of the proceedings arose.

REGULATIONS

13.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) requiring licences to send, convey or carry fish in Ontario;
- (b) governing the issue and form of licences and prescribing the terms and conditions thereof;
- (c) exempting from the application of all or any of the provisions of this Act, either conditionally or unconditionally and either in general terms or for a specified period, any species of fish, any part of the designated area, any transaction, person or class of transactions or persons;
- (d) respecting the detention of fish seized under this Act and for preserving or safeguarding the fish so detained.
- (e) respecting the disposition of fish forfeited under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under this Act may be limited as ^{Regulation may be limited} to time and place.

14. This Act comes into force on a day to be named by the ^{Commence-ment} Lieutenant Governor by his proclamation.

15. This Act may be cited as *The Freshwater Fish Market-Short title
ing Act (Ontario), 1968-69.*

An Act to regulate the
Marketing of Freshwater Fish

1st Reading

April 3rd, 1969

2nd Reading

April 28th, 1969

3rd Reading

MR. BRUNELLE

(Reprinted as amended by
the Committee of the Whole House)

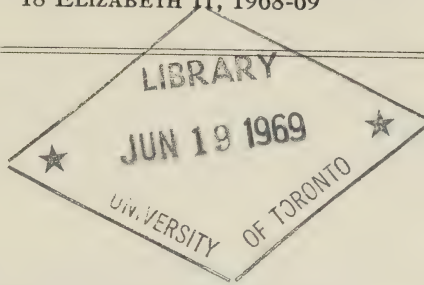
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BILL 116

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to regulate the Marketing of Freshwater Fish

MR. BRUNELLE

BILL 116

1968-69

An Act to regulate the Marketing of Freshwater Fish

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "Corporation" means the Freshwater Fish Marketing Corporation established under the Federal Act;
- (b) "designated area" means the part or parts of Ontario designated by regulations made under section 2;
- (c) "Federal Act" means the *Freshwater Fish Marketing Act* (Canada), as amended or re-enacted from time to time; 1969, c.
(Can.)
- (d) "fish" means round, dressed or filleted fish of any species enumerated in the Schedule to the Federal Act, whether fresh or frozen and whether packaged or unpackaged, that are fished for commercial purposes in the designated area, and includes parts of any such fish;
- (e) "fisherman" means a person licensed pursuant to the *Fisheries Act* (Canada) or the regulations thereunder to fish for commercial purposes in the designated area, and includes any person acting on behalf of and representing any two or more persons so licensed; R.S.C. 1952,
c. 119
- (f) "inspector" means a person designated by the Minister as an inspector under this Act, or a person declared to be an inspector *ex officio* under this Act;
- (g) "Minister" means the Minister of Lands and Forests;

(h) "regulations" means the regulations made under this Act.

POWERS OF THE CORPORATION

Designation of Corporation **2.**—(1) The Lieutenant Governor in Council may make regulations designating the Corporation as the body to control the selling and buying of fish in such part or parts of Ontario as may be designated in the regulations.

Director (2) Where a regulation has been made under subsection 1, the Lieutenant Governor in Council may recommend the appointment of a director of the Corporation.

Corporation to buy all fish offered **3.** Where a regulation has been made under subsection 1 of section 2, all fish lawfully fished by a fisherman and offered by him for sale to the Corporation for disposal in intra-provincial trade shall be bought by the Corporation from the fisherman upon such terms and conditions and for such price as may be agreed upon by the Corporation and the fisherman, subject to any applicable scheme for payment established and operated by the Corporation pursuant to section 24 of the Federal Act.

INSPECTORS

Designation of inspectors **4.**—(1) The Minister may designate an inspector or inspectors whose duties are to carry out the provisions of this Act and the regulations.

Idem (2) The Lieutenant Governor in Council may declare that inspectors designated under the Federal Act or appointed under the *Fish Inspection Act* (Canada) are inspectors *ex officio* under this Act.

Powers of inspector **5.**—(1) An inspector may at any reasonable time,

- (a) enter any place or premises that he reasonably believes is being used to store, pack, process or prepare fish for market or shipment or any vehicle, trailer, vessel, railway car or aircraft that he reasonably believes is being used to ship or convey fish for market;
- (b) open any container found therein or examine anything found therein that he reasonably believes contains any such fish, and take samples thereof; and
- (c) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading,

invoices or other documents or papers concerning any matter relevant to the administration of this Act.

(2) An inspector shall be furnished with a certificate of ^{Certificate of appointment} his designation or appointment as an inspector and on entering any place, premises or conveyance referred to in subsection 1 shall, if so required, produce the certificate to the person in charge thereof.

(3) The owner or person in charge of any place, premises ^{Assistance to inspector} or conveyance referred to in subsection 1 and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and powers under this Act and shall furnish him with such information with respect to the administration of this Act as he may reasonably require.

6.—(1) Where an inspector believes on reasonable grounds ^{Seizure} that any provision of this Act has been contravened, he may seize and detain the fish by means of or in relation to which he reasonably believes the contravention was committed.

(2) Any fish seized and detained pursuant to subsection 1 ^{Detention} shall not be detained after,

(a) in the opinion of an inspector, the provisions of this Act have been complied with; or

(b) the expiration of ninety days from the day of seizure,

unless before that time proceedings have been instituted in respect of the contravention, in which event the fish may be detained until the proceedings are finally concluded.

(3) Where a person has been convicted of a contravention ^{Forfeiture} of any provision of this Act, any fish by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty if such forfeiture is directed by the court.

7.—(1) No person shall obstruct or hinder an inspector ^{Obstruction of inspectors} in carrying out his duties or exercising his powers under this Act or the regulations.

(2) No person shall make a false or misleading statement ^{False statements} either orally or in writing to an inspector engaged in carrying out his duties or exercising his powers under this Act or the regulations.

REGULATION OF INTRAPROVINCIAL TRADE

Intra-
provincial
trade
in fish

8. Except as otherwise provided in the regulations or except in accordance with the terms and conditions set forth in any licence that may be issued by the Corporation in that behalf, no person other than the Corporation or an agent of the Corporation shall sell or buy, or agree to sell or buy, fish.

PARTICIPATING AGREEMENT

Agreement

9. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario enter into an agreement with the Government of Canada providing for,

- (a) the sharing by Ontario with the Government of Canada of initial operating and establishment expenses of the Corporation and of any losses incurred as a result of,
 - (i) the guarantee of repayment of loans and interest thereon, made by any bank to the Corporation, and
 - (ii) loans made by Canada to the Corporation,
 under subsection 1 of section 17 of the Federal Act.
- (b) the performance by the Corporation, on behalf of Ontario, of functions relating to intraprovincial trade in fish;
- (c) the undertaking by Ontario of arrangements for the payment, to the owner of any plant or equipment used in storing, processing or otherwise preparing fish for market, of compensation for any such plant or equipment that will or may be rendered redundant by reason of any operations authorized to be carried out by the Corporation; and
- (d) such other matters as may be agreed upon by the Minister and the Government of Canada.

OFFENCES AND PENALTIES

Offences

10. Every person who, or whose employee or agent, contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Offence by
agent or
employee

11. In any prosecution for an offence under this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused

whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

12. Any proceedings by way of summary conviction in ^{Time limit} respect of an offence against this Act or the regulations may be instituted at any time within one year after the time when the subject matter of the proceedings arose.

REGULATIONS

13.—(1) The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) requiring licences to send, convey or carry fish in Ontario;
- (b) governing the issue and form of licences and prescribing the terms and conditions thereof;
- (c) exempting from the application of all or any of the provisions of this Act, either conditionally or unconditionally and either in general terms or for a specified period, any species of fish, any part of the designated area, any transaction, person or class of transactions or persons;
- (d) respecting the detention of fish seized under this Act and for preserving or safeguarding the fish so detained.
- (e) respecting the disposition of fish forfeited under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under this Act may be limited as ^{Regulation may be limited} to time and place.

14. This Act comes into force on a day to be named by the ^{Commence-ment} Lieutenant Governor by his proclamation.

15. This Act may be cited as *The Freshwater Fish Market-Short title ing Act (Ontario), 1968-69.*

An Act to regulate the
Marketing of Freshwater Fish

1st Reading

April 3rd, 1969

2nd Reading

April 28th, 1969

3rd Reading

May 9th, 1969

MR. BRUNELLE

BILL 117

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Fish Inspection Act

MR. BRUNELLE

EXPLANATORY NOTE

The amendments provide for the appointment and duties of inspectors under the Act and enlarges the authority to make regulations.

BILL 117

1968-69

An Act to amend The Fish Inspection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Fish Inspection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 150, s. 1, cl. *d*, re-enacted

(*d*) "inspector" means a person appointed by the Minister as an inspector under this Act or a person declared to be an inspector, *ex officio*, under this Act.

2. *The Fish Inspection Act* is amended by adding thereto the following section: R.S.O. 1960, c. 150, amended

1a.—(1) The Minister may appoint an inspector or inspectors who shall perform such duties as may be prescribed by this Act or the regulations. Appointment of inspectors

(2) The Lieutenant Governor in Council may declare that inspectors appointed under the *Fish Inspection Act* (Canada) are inspectors, *ex officio*, under this Act. Idem R.S.C. 1952, c. 118

3. Subsection 1 of section 13 of *The Fish Inspection Act*, as amended by subsection 1 of section 1 of *The Fish Inspection Amendment Act, 1961-62*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 150, s. 13, subs. 1, amended

(*ca*) prescribing the duties of inspectors.

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Fish Inspection Amendment Act, 1968-69*. Short title

An Act to amend
The Fish Inspection Act

1st Reading

April 3rd, 1969

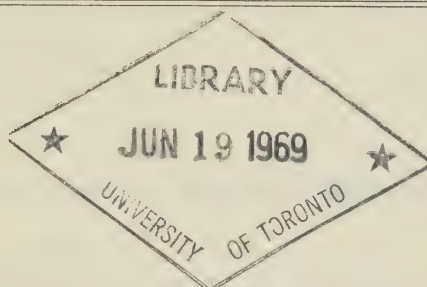
2nd Reading

3rd Reading

MR. BRUNELLE

BILL 117

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Fish Inspection Act

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TORONTO

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Appoint-
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Short title

An Act to amend
The Fish Inspection Act

1st Reading

April 3rd, 1969

2nd Reading

April 28th, 1969

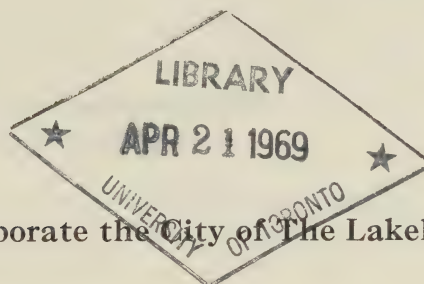
3rd Reading

May 9th, 1969

MR. BRUNELLE

BILL 118

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to incorporate the City of The Lakehead

MR. McKEOUGH

EXPLANATORY NOTE

This Bill provides for the amalgamation of the cities of Fort William and Port Arthur and the annexation thereto of the geographic townships of McIntyre and Neebing to form a city municipality on the 1st day of January, 1970, to be known as the City of The Lakehead.

BILL 118

1968-69

An Act to incorporate the City of The Lakehead

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means the municipality or corporation of the City of The Lakehead;
- (b) "Department" means the Department of Municipal Affairs;
- (c) "Minister" means the Minister of Municipal Affairs.

2. On the 1st day of January, 1970,

Incorporation
of City

- (a) The Corporation of the City of Fort William and The Corporation of the City of Port Arthur are amalgamated as one municipality;
- (b) the geographic township of McIntyre is withdrawn from The Corporation of the Municipality of Shuniah and annexed to the amalgamated municipality under clause *a*; and
- (c) the geographic township of Neebing is withdrawn from The Corporation of the Municipality of Neebing and annexed to the amalgamated municipality under clause *a*,

and on and after that date the inhabitants of the City of Fort William, the City of Port Arthur and the geographic townships of McIntyre and Neebing are a body corporate which shall be a city municipality under the name of "The Corporation of the City of The Lakehead".

3.—(1) The council of the City shall consist of a mayor and twelve aldermen. Council,
composition

- Term of office (2) The first council of the City shall hold office until the 1st day of January, 1973, and each succeeding council shall hold office for a two-year term.
- First election (3) The Minister by order shall provide for the holding of the elections in the year 1969 for members of the council of the City, including polling day, which shall be the 23rd day of June, 1969, nomination meetings, appointment of returning officers, preparation of voters' lists, application of
- R.S.O. 1960, c. 254 *The Municipal Franchise Extension Act* and any other matters as are deemed necessary in respect of the election.
- Referendum re name of City (4) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,
- (a) confirm the name of the City as set out in section 2; or
- (b) declare the name that the City shall bear,
- and, where a declaration is made under clause *b*, all references in this Act to The Lakehead, except to The Lakehead Planning Area, shall be deemed to refer to the name of the City designated in such declaration.
- Wards (5) For the purpose of the election to be held in the years 1969 and 1972 and for the purpose of apportioning the levy for the years 1970, 1971 and 1972 in accordance with section 12, the City is divided into the following wards:
1. Fort William Ward—which shall comprise the area of the City of Fort William as it existed on the 1st day of May, 1969.
 2. McIntyre Ward—which shall comprise the area of the geographic township of McIntyre as it existed on the 1st day of May, 1969.
 3. Neebing Ward—which shall comprise the area of the geographic township of Neebing as it existed on the 1st day of May, 1969.
 4. Port Arthur Ward—which shall comprise the area of the City of Port Arthur as it existed on the 1st day of May, 1969.
- Election of mayor 4.—(1) The mayor shall be elected by a general vote of the electors of the City.

(2) Every candidate for the office of mayor in the election^{First election} to be held in the year 1969 shall be a person, otherwise qualified, whose principal residence was, on the 1st day of September, 1968, and is, at the time of the opening of the nomination meeting, in the City.

(3) The twelve aldermen shall be elected by a general^{Election of aldermen} vote of the electors of the City and the electors shall, at the elections to be held in the years 1969 and 1972, vote to elect,

(a) five aldermen whose principal residences,

- (i) in the case of the 1969 election were, on the 1st day of September, 1968, in the City of Fort William and are, at the time of the opening of the nomination meeting, in Fort William Ward, and
- (ii) in the case of the 1972 election are, at the time of the opening of the nomination meeting, in Fort William Ward;

(b) one alderman whose principal residence,

- (i) in the case of the 1969 election was, on the 1st day of September, 1968, in the geographic township of McIntyre and is, at the time of the opening of the nomination meeting, in McIntyre Ward, and
- (ii) in the case of the 1972 election is, at the time of the opening of the nomination meeting, in McIntyre Ward;

(c) one alderman whose principal residence,

- (i) in the case of the 1969 election was, on the 1st day of September, 1968, in the geographic township of Neebing and is, at the time of the opening of the nomination meeting, in Neebing Ward, and
- (ii) in the case of the 1972 election is, at the time of the opening of the nomination meeting, in Neebing Ward; and

(d) five aldermen whose principal residences,

- (i) in the case of the 1969 election were, on the 1st day of September, 1968, in the City of Port Arthur and are, at the time of the opening of the nomination meeting, in Port Arthur Ward, and

- (ii) in the case of the 1972 election are, at the time of the opening of the nomination meeting, in Port Arthur Ward.

General
administra-
tive head

5.—(1) The council of the City may, by by-law, appoint a general administrative head, who,

- (a) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the council; and
- (d) shall receive such salary as the council by by-law determines.

Application
of R.S.O.
1960,
c. 249,
s. 239 (2)

(2) Subsection 2 of section 239 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

No board
of control

6. The City shall not have a board of control.

Gardens
and Parks
and
Recreation
Boards
dissolved

7.—(1) The Gardens Board and the Board of Parks and Recreation of the City of Fort William are hereby dissolved on the 1st day of January, 1970, and the council of the City, on and after that date, shall act in the place and stead of such boards, and all the assets and liabilities of such boards become, on that date, assets and liabilities of the City without compensation.

Recreation
and
Community
Centres
Board
dissolved

(2) The Recreation and Community Centres Board of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and the council of the City, on and after that date, shall act in the place and stead of such board, and all the assets and liabilities of such board shall become, on that date, assets and liabilities of the City without compensation.

Council to
be
recreation
committee
and com-
munity
centres
board
R.S.O. 1960,
cc. 94, 60

(3) The council of the City shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Prohibition
re establish-
ment of
boards
R.S.O. 1960,
c. 249

(4) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 69 of section 377 of *The Municipal Act* shall be established by the City.

8.—(1) A hydro-electric power commission for the City ^{Hydro Commission} to be known as "The Hydro-Electric Commission of The Lakehead" is hereby established on the 1st day of January, 1970, and shall be deemed to have been established under Part III of *The Public Utilities Act*, and shall consist of the ^{R.S.O. 1960, c. 335} mayor of the City, one member appointed by the Lieutenant Governor in Council and three members appointed by the council of the City.

(2) An appointed member shall hold office for the same ^{Term of office} term as the members of council and until his successor is appointed.

(3) The Hydro-Electric Commission of the City of Fort ^{Fort William Commission dissolved} William is hereby dissolved on the 1st day of January, 1970, and all the assets and liabilities of such Commission shall become, on that date, assets and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.

(4) The Public Utilities Commission of the City of Port ^{Port Arthur Commission dissolved} Arthur is hereby dissolved on the 1st day of January, 1970, and all the assets and liabilities of such Commission in so far as they pertain to the distribution and supply of electrical power and energy shall become, on that date, assets and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.

(5) No other public utilities commission shall be established ^{No utility commission to be established} by the City.

9.—(1) A public library board for the City to be known as ^{Public library board} "The Lakehead Public Library Board" is hereby established on the 1st day of January, 1970, and shall be deemed to have been established under Part I of *The Public Libraries Act*, ^{1966, c. 128} 1966, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1970.

(2) The public library boards of the City of Fort William ^{Library boards dissolved} and the City of Port Arthur are hereby dissolved on the 1st day of January, 1970, and all their assets and liabilities shall become, on that date, assets and liabilities of The Lakehead Public Library Board without compensation.

10.—(1) The Lakehead Planning Area shall continue as a ^{Planning Area} joint planning area under *The Planning Act*, and the City ^{R.S.O. 1960, c. 296} shall be the designated municipality within the meaning of *The Planning Act*.

Subsidiary
planning
areas
dissolved

(2) On the 1st day of January, 1970, the subsidiary planning area of the City of Fort William and the subsidiary planning area of the City of Port Arthur, together with the planning boards thereof, are dissolved, and the geographic townships of McIntyre and Neebing are withdrawn respectively from the subsidiary planning areas of Shuniah and Neebing.

Official
plans in
effect

(3) Notwithstanding subsection 2,

- (a) the official plans in effect in the City of Fort William and the City of Port Arthur; and
- (b) the official plans in effect in The Corporation of the Municipality of Shuniah and The Corporation of the Municipality of Neebing as they relate to the geographic townships of McIntyre and Neebing,

shall continue in effect until altered or repealed by the council of the City under *The Planning Act*.

R.S.O. 1960,
c. 296

Subsidiary
planning
area and
board

(4) The City is constituted a subsidiary planning area of The Lakehead Planning Area on the 1st day of January, 1970, and the council of the City shall be the planning board thereof.

Interpre-
tation

11. In sections 12, 13 and 14,

- (a) "commercial assessment" means the total of,
 - (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof, and
 - (ii) the business assessment, and
 - (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*,

R.S.O. 1960,
c. 23

according to the last revised assessment rolls;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment rolls except the assessments for real property mentioned in subclauses i and iii of clause a.

12.—(1) In the years 1970, 1971 and 1972, the council of the City shall levy, as provided in this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board. ^{Rates} ^{R.S.O. 1960, c. 249}

(2) The Department in each year shall revise and equalize, by the application of the latest equalization factors of the Department, the last revised assessment rolls for each of the wards of the City as returned in the preceding year, which revision and equalization shall be final and binding. <sup>Equaliza-
tion of
assessment</sup>

(3) Upon completion by the Department of the equalized assessment reports, the Department shall mail a copy thereof to the City. ^{Reports}

(4) The amount to be raised by the City in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied under subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Department under subsection 2. <sup>Levy on
commercial
assessment</sup>

(5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum to be levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Department under subsection 2, reduced by the sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act*. <sup>Levy on
residential
assessment</sup> ^{R.S.O. 1960, c. 259}

(6) All sums levied under subsection 1 shall be apportioned among the wards of the City in the following manner: <sup>Apportion-
ment
among
wards</sup>

1. The amount, as ascertained in accordance with subsection 4, to be raised by the City in each year by levy on the commercial assessment shall be apportioned among the wards in the proportion that the total commercial assessment in each ward bears to the total commercial assessment in the City both according to the last revised assessment roll as equalized by the Department under subsection 2. ^{Commercial}

Residential

2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the wards in the proportion that the total residential assessment in each ward bears to the total residential assessment in the City both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on commercial assessment in wards

- (7) The council of the City shall levy on the whole of the commercial assessment in each ward, according to the last revised assessment roll, the amount ascertained for that ward in accordance with paragraph 1 of subsection 6.

Levy on residential assessment in wards

- (8) The council of the City shall levy on the whole of the residential assessment in each ward, according to the last revised assessment roll, the amount ascertained for that ward in accordance with paragraph 2 of subsection 6.

Levy before estimates adopted, on real property

- 13.**—(1) Notwithstanding section 12, in the years 1970, 1971 and 1972, the council of the City may by by-law passed before the adoption of the estimates in each year levy, before the adoption of the estimates, on the whole of the assessment for real property, according to the last revised assessment roll, a rate not exceeding 50 mills.

on business assessment

- (2) If the council of the City has not provided for taking the assessment of business during the year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council, notwithstanding section 12, in the years 1970, 1971 and 1972 may by by-law passed before the adoption of the estimates in each year levy, before the adoption of the estimates, on the whole of the business assessment, according to the last revised assessment roll, a rate not exceeding 50 mills.

R.S.O. 1960, c. 23**Levy under section 12 to be reduced**

- (3) If in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the levy under this section.

Application of R.S.O. 1960, c. 249, s. 294a, subs. 3

- (4) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

By-laws not to be passed under R.S.O. 1960, c. 249, s. 294a

- (5) The council of the City shall not pass by-laws under section 294a of *The Municipal Act* in the years 1970, 1971 and 1972.

Reduction in rates in McIntyre and Neebing Wards

- 14.**—(1) The council of the City shall impose in the years 1970, 1971, 1972 and 1973 lower rates of taxation by the number of mills specified in the Schedule to this section, on

the whole of the assessment for real property and business assessment, according to the last revised assessment roll, than those imposed on such assessment in the remainder of the City.

(2) The council of the City shall include in the estimates to be adopted for the years 1970, 1971, 1972 and 1973 the respective amounts of the reductions granted to McIntyre and Neebing Wards as required in subsection 1. Amount of reduction to be included in estimates

SCHEDULE

	Mills in the Dollar			
	1970	1971	1972	1973
Neebing Ward	12	9	6	3
McIntyre Ward	10	7.5	5	2.5

15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each of such wards. Rates under R.S.O. 1960, c. 368

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the wards in the ratio that the total assessment for public school purposes in each ward bears to the total assessment for public school purposes in the City, both as equalized in accordance with subsection 2 of section 12. Rates for public school purposes R.S.O. 1960, c. 361

(3) The amounts required to be levied and collected by the City for secondary school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the wards in the ratio that the total assessment for secondary school purposes in each ward bears to the total assessment for secondary school purposes in the City, both as equalized in accordance with subsection 2 of section 12. Rates for secondary school purposes

16.—(1) In this section,

- (a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

Urban service, interpretation

(b) “urban service” means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection, removal and disposal of ashes, garbage and other refuse, or
- (iii) street lighting.

Areas of
urban
service

(2) With the approval of the Municipal Board, the council of the City shall by by-law designate the areas in which an urban service is provided by the City.

Levy in
areas

R.S.O. 1960,
cc. 223, 249

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

Special
payments

17. The City shall make payments to The Corporation of the Municipality of Neebing or its successors as follows:

- 1. In the year 1970—\$15,000
- 2. In the year 1971—\$11,250
- 3. In the year 1972— \$7,500
- 4. In the year 1973— \$3,750

Organiza-
tion
committee

18. The members of the council of the City elected in the year 1969 shall comprise a committee to do anything necessary for the purposes of organization, policy and planning, and the councils of the municipalities concerned may include in their estimates for the year 1969 such amounts as may be agreed upon for the purposes of the committee in the year 1969.

Offer of
employment

19.—(1) The council of the City shall offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by the City of Fort William, the City of Port Arthur,

The Corporation of the Municipality of Shuniah, The Corporation of the Municipality of Neebing or The Gardens Board or The Board of Parks and Recreation of the City of Fort William or The Recreation and Community Centres Board of the City of Port Arthur or by The Public Utilities Commission of the City of Port Arthur who are employed in relation to an undertaking other than the distribution and supply of electrical power and energy.

(2) The Hydro-Electric Commission of The Lakehead shall ^{Idem} offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by The Hydro-Electric Commission of the City of Fort William or by the Public Utilities Commission of the City of Port Arthur in relation to the distribution and supply of electrical power and energy.

(3) The Lakehead Public Library Board shall offer to ^{Idem} employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by The Public Library Board of the City of Fort William or of the City of Port Arthur.

(4) Any person who accepts employment under subsection 1, 2 or 3 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1969, irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1970. ^{Guarantee of salary}

(5) Any sick leave credits standing on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 1, 2 or 3 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer. ^{Sick leave credits}

(6) Any person who accepts employment under subsection 1, 2 or 3 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipalities or local board mentioned in subsection 1 by which he was formerly employed. ^{Holidays}

20.—(1) For the purposes of every Act,

- (a) the cities of Fort William and Port Arthur shall be deemed to have been amalgamated by order of the Municipal Board; and ^{Amalgamation and annexations deemed by order of O.M.B.}
- (b) the geographic townships of McIntyre and Neebing shall be deemed to have been annexed to the amalgamated municipality by orders of the Municipal Board,

R.S.O. 1960,
cc. 249, 274

and such orders are not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act and shall be deemed to have been made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act*, and subject to the provisions of this Act, the Municipal Board, upon the application of the City, The Corporation of the Municipality of Neebing or The Corporation of the Municipality of Shuniah or any local board of any of them or of its own motion, may exercise its powers consequent upon such amalgamation and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Assets and
liabilities
of cities

(2) All the assets and liabilities of the City of Fort William and the City of Port Arthur become assets and liabilities of the City on the 1st day of January, 1970, without compensation.

Disputes as
to assets
and
liabilities

(3) In the event of any doubt as to whether any particular asset or liability of The Public Utilities Commission of Port Arthur is vested in the City or in The Hydro-Electric Commission of The Lakehead under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

By-laws to
be in force
in geo-
graphic
townships
of
McIntyre
and
Neebing

R.S.O. 1960,
c. 296

1941, c. 35

21. On the 1st day of January, 1970, the by-laws of the City of Fort William extend to the geographic township of Neebing and the by-laws of the City of Port Arthur extend to the geographic township of McIntyre and the by-laws of the municipalities of Shuniah and Neebing in force in the geographic townships of McIntyre or Neebing cease to apply to such geographic townships, except by-laws relating to highways, by-laws designating areas of subdivision control and by-laws passed under section 30 of *The Planning Act* or a predecessor of such section or which are kept in force by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, which shall remain in force until repealed by the council of the City and except by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council that passed them.

Application
of special
Acts

22. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the City of Fort William, the City of Port Arthur, the geographic township of Neebing or the geographic township of McIntyre apply to the City.

23. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. ^{Conflict with other Acts}

24. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act. ^{Conditional powers}

25. The following Acts and parts of Acts, together with any by-laws passed thereunder, are repealed effective the 1st day of January, 1970: ^{Repeal}

1. Section 18 of *An Act to incorporate the Town of Fort William*. ^{1892, c. 70, s. 18}
2. Section 6 of *An Act respecting the Town of Fort William, 1903*. ^{1903, c. 52, s. 6}
3. Section 11 of *The Port Arthur Act, 1905*. ^{1905, c. 69, s. 11}
4. Section 14 of *An Act to incorporate the City of Fort William and for Other Purposes*. ^{1907, c. 66, s. 14}
5. Section 3 of *An Act respecting the City of Fort William, 1909*. ^{1909, c. 106, s. 3}
6. Section 3 of *An Act respecting the City of Fort William*. ^{1910, c. 114, s. 3}
7. Sections 2, 8 and 9 of *An Act respecting the City of Fort William*. ^{1911, c. 88, ss. 2, 8, 9}
8. Sections 2 and 5 of *The City of Port Arthur Act, 1911*. ^{1911, c. 104, ss. 2, 5}
9. Section 3 of *The City of Fort William Act, 1912*. ^{1912, c. 96, s. 3}
10. Section 7 of *An Act respecting the City of Port Arthur*. ^{1914, c. 88, s. 7}
11. Section 8 of *The City of Port Arthur Act, 1933*. ^{1933, c. 92, s. 8}
12. *The Cities of Port Arthur and Fort William Act, 1939*. ^{1939, c. 68}
13. *The City of Fort William Act, 1951*. ^{1951, c. 100}
14. *The City of Port Arthur Act, 1956*. ^{1956, c. 115}
15. *The City of Fort William Act, 1958*. ^{1958, c. 135}

1966, c. 181

16. *The City of Port Arthur Act, 1966.*Commence-
ment**26.** This Act comes into force on the day it receives Royal Assent.

Short title

27. This Act may be cited as *The City of The Lakehead Act, 1968-69.*

An Act to incorporate the
City of The Lakehead

1st Reading

April 3rd, 1969

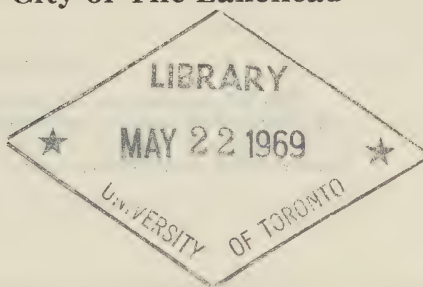
2nd Reading

3rd Reading

MR. McKEOUGH

BILL 118

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to incorporate the City of The Lakehead

MR. McKEOUGH

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

This Bill provides for the amalgamation of the cities of Fort William and Port Arthur and the annexation thereto of the geographic townships of McIntyre and Neebing to form a city municipality on the 1st day of January, 1970, to be known as the City of The Lakehead.

BILL 118

1968-69

An Act to incorporate the City of The Lakehead

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means the municipality or corporation of the City of The Lakehead;
- (b) "Department" means the Department of Municipal Affairs;
- (c) "Minister" means the Minister of Municipal Affairs.

2. On the 1st day of January, 1970,

Incorporation
of City

- (a) The Corporation of the City of Fort William and The Corporation of the City of Port Arthur are amalgamated as one municipality;
- (b) the geographic township of McIntyre is withdrawn from The Corporation of the Municipality of Shuniah and annexed to the amalgamated municipality under clause *a*; and
- (c) the geographic township of Neebing is withdrawn from The Corporation of the Municipality of Neebing and annexed to the amalgamated municipality under clause *a*,

and on and after that date the inhabitants of the City of Fort William, the City of Port Arthur and the geographic townships of McIntyre and Neebing are a body corporate which shall be a city municipality under the name of "The Corporation of the City of The Lakehead".

3.—(1) The council of the City shall consist of a mayor Council,
composition and twelve aldermen.

Term of
office

(2) The first council of the City shall hold office until the 1st day of January, 1973, and each succeeding council shall hold office for a two-year term.

First
election

(3) The Minister by order shall provide for the holding of the elections in the year 1969 for members of the council of the City, including polling day, which shall be the 23rd day of June, 1969, nomination meetings, appointment of returning officers, preparation of voters' lists, application of *The Municipal Franchise Extension Act* and any other matters as are deemed necessary in respect of the election.

R.S.O. 1960,
c. 254

Referendum
re name
of City

(4) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,

(a) confirm the name of the City as set out in section 2;
or

(b) declare the names that the City, the hydro-electric power commission established under section 8 and the public library board established under section 9 shall bear,

and where a declaration is made under clause *b*, all references to the bodies mentioned in clause *b* shall be deemed to refer to the names of such bodies as designated in the declaration.

Wards

(5) For the purpose of the election to be held in the years 1969 and 1972 and for the purpose of apportioning the levy for the years 1970, 1971 and 1972 in accordance with section 12, the City is divided into the following wards:

1. Fort William Ward—which shall comprise the area of the City of Fort William as it existed on the 1st day of May, 1969.
2. McIntyre Ward—which shall comprise the area of the geographic township of McIntyre as it existed on the 1st day of May, 1969.
3. Neebing Ward—which shall comprise the area of the geographic township of Neebing as it existed on the 1st day of May, 1969.
4. Port Arthur Ward—which shall comprise the area of the City of Port Arthur as it existed on the 1st day of May, 1969.

(6) Any lands that become part of the City under the provisions of section 4 of *An Act respecting certain aid by the Corporation of the Town of Fort William to the Grand Trunk Pacific Railway Company*, being chapter 48 of the Statutes of Ontario, 1905, or of subsection 2 of section 5 of *An Act respecting the City of Fort William*, being chapter 114 of the Statutes of Ontario, 1910, shall form part of Fort William Ward. Certain lands to form part of Fort William Ward

4.—(1) The mayor shall be elected by a general vote of the electors of the City. Election of mayor

(2) Every candidate for the office of mayor in the election to be held in the year 1969 shall be a person, otherwise qualified, whose principal residence was, on the 1st day of September, 1968, and is, at the time of the opening of the nomination meeting, in the City. First election

(3) The twelve aldermen shall be elected by a general vote of the electors of the City and the electors shall, at the elections to be held in the years 1969 and 1972, vote to elect, Election of aldermen

(a) five aldermen whose principal residences,

- (i) in the case of the 1969 election were, on the 1st day of September, 1968, in the City of Fort William and are, at the time of the opening of the nomination meeting, in Fort William Ward, and
- (ii) in the case of the 1972 election are, at the time of the opening of the nomination meeting, in Fort William Ward;

(b) one alderman whose principal residence,

- (i) in the case of the 1969 election was, on the 1st day of September, 1968, in the geographic township of McIntyre and is, at the time of the opening of the nomination meeting, in McIntyre Ward, and
- (ii) in the case of the 1972 election is, at the time of the opening of the nomination meeting, in McIntyre Ward;

(c) one alderman whose principal residence,

- (i) in the case of the 1969 election was, on the 1st day of September, 1968, in the geographic township of Neebing and is, at the time of the opening of the nomination meeting, in Neebing Ward, and

- (ii) in the case of the 1972 election is, at the time of the opening of the nomination meeting, in Neebing Ward; and

(d) five aldermen whose principal residences,

- (i) in the case of the 1969 election were, on the 1st day of September, 1968, in the City of Port Arthur and are, at the time of the opening of the nomination meeting, in Port Arthur Ward, and

- (ii) in the case of the 1972 election are, at the time of the opening of the nomination meeting, in Port Arthur Ward.

General
administra-
tive head

5.—(1) The council of the City may, by by-law, appoint a general administrative head, who,

- (a) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the council; and
- (d) shall receive such salary as the council by by-law determines.

Application
of R.S.O.
1960,
c. 249,
s. 239 (2)

(2) Subsection 2 of section 239 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

No board
of control

6. The City shall not have a board of control.

Fort
William
Gardens
Board
dissolved

7.—(1) The Fort William Gardens Board is hereby dissolved on the 1st day of January, 1970, and the council of the City, on and after that date, shall act in the place and stead of such board, and all the assets and liabilities of such board become, on that date, assets and liabilities of the City without compensation.

Recreation
and
Community
Centres
Board
dissolved

(2) The Recreation and Community Centres Board of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and the council of the City, on and after that date, shall act in the place and stead of such board, and all the assets and liabilities of such board shall become, on that date, assets and liabilities of the City without compensation.

(3) The council of the City shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Council to be recreation committee and community centres board
R.S.O. 1960, c. 94, 60

(4) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 69 of section 377 of *The Municipal Act* shall be established by the City.

Prohibition re establishment of boards
R.S.O. 1960, c. 249

8.—(1) A hydro-electric power commission for the City to be known as "The Hydro-Electric Commission of The Lakehead" is hereby established on the 1st day of January, 1970, and shall be deemed to have been established under Part III of *The Public Utilities Act*, and shall consist of the mayor of the City and four other members, and, until the 31st day of December, 1972, two members shall be appointed by The Hydro-Electric Power Commission of Ontario and two members shall be appointed by the council of the City.

Hydro Commission

R.S.O. 1960, c. 335

(2) The council of the City in the year 1972 shall by by-law provide that thereafter the members of The Hydro-Electric Commission of The Lakehead, except the mayor, shall be appointed as provided in subsection 1 or shall be elected by a general vote of the electors of the City.

By-law re election or appointment of members

(3) A member shall hold office for the same term as the members of council and until his successor is appointed or elected.

Term of office

(4) The Hydro-Electric Commission of the City of Fort William is hereby dissolved on the 1st day of January, 1970, and all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.

Fort William Commission dissolved

(5) The Public Utilities Commission of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and, in so far as they pertain to the distribution and supply of electrical power and energy, all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.

Port Arthur Commission dissolved

(6) No other public utilities commission shall be established by the City.

No utility commission to be established

Public
library
board

1966, c. 128

9.—(1) A public library board for the City to be known as “The Lakehead Public Library Board” is hereby established on the 1st day of January, 1970, and shall be deemed to have been established under Part I of *The Public Libraries Act, 1966*, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1970.

Library
boards
dissolved

(2) The public library boards of the City of Fort William and the City of Port Arthur are hereby dissolved on the 1st day of January, 1970, and all their assets and liabilities shall become, on that date, assets and liabilities of The Lakehead Public Library Board without compensation.

Planning
Area
R.S.O. 1960,
c. 296

10.—(1) The Lakehead Planning Area shall continue as a joint planning area under *The Planning Act*, and the City shall be the designated municipality within the meaning of *The Planning Act*.

Subsidiary
planning
areas
dissolved

(2) On the 1st day of January, 1970, the subsidiary planning area of the City of Fort William and the subsidiary planning area of the City of Port Arthur, together with the planning boards thereof, are dissolved, and the geographic townships of McIntyre and Neebing are withdrawn respectively from the subsidiary planning areas of Shuniah and Neebing.

Official
plans in
effect

(3) Notwithstanding subsection 2,

- (a) the official plans in effect in the City of Fort William and the City of Port Arthur; and
- (b) the official plans in effect in The Corporation of the Municipality of Shuniah and The Corporation of the Municipality of Neebing as they relate to the geographic townships of McIntyre and Neebing,

shall continue in effect until altered or repealed by the council of the City under *The Planning Act*.

R.S.O. 1960,
c. 296

Subsidiary
planning
area and
board

(4) The City is constituted a subsidiary planning area of The Lakehead Planning Area on the 1st day of January, 1970, and the council of the City shall be the planning board of the subsidiary planning area.

Interpre-
tation

11. In sections 12, 13 and 14,

(a) “commercial assessment” means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that

is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof, and

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*, R.S.O. 1960,
c. 23

according to the last revised assessment rolls;

(b) "residential assessment" means the total assessment for real property according to the last revised assessment rolls except the assessments for real property mentioned in subclauses i and iii of clause a.

12.—(1) The council of the City shall levy, as provided in this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board. Rates
R.S.O. 1960,
c. 249

(2) The Department in each year shall revise and equalize, by the application of the latest equalization factors of the Department, the last revised assessment rolls for each of the wards of the City as returned in the preceding year, which revision and equalization shall be final and binding. Equaliza-
tion of
assessment

(3) Upon completion by the Department of the equalized assessment reports, the Department shall mail a copy thereof to the City. Reports

(4) The amount to be raised by the City in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied under subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Department under subsection 2. Levy on
commercial
assessment

Levy on
residential
assessment

(5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum to be levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Department under subsection 2, reduced by the sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,
c. 259

Apportion-
ment
among
wards

(6) All sums levied under subsection 1 shall be apportioned among the wards of the City in the following manner:

Commercial

1. The amount, as ascertained in accordance with subsection 4, to be raised by the City in each year by levy on the commercial assessment shall be apportioned among the wards in the proportion that the total commercial assessment in each ward bears to the total commercial assessment in the City both according to the last revised assessment roll as equalized by the Department under subsection 2.

Residential

2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the wards in the proportion that the total residential assessment in each ward bears to the total residential assessment in the City both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
commercial
assessment
in wards

(7) The council of the City shall levy on the whole of the commercial assessment in each ward, according to the last revised assessment roll, the amount ascertained for that ward in accordance with paragraph 1 of subsection 6.

Levy on
residential
assessment
in wards

(8) The council of the City shall levy on the whole of the residential assessment in each ward, according to the last revised assessment roll, the amount ascertained for that ward in accordance with paragraph 2 of subsection 6.

Application

(9) The provisions of this section apply only in the years 1970, 1971 and 1972.

Levy before
estimates
adopted,
on real
property

13.—(1) Notwithstanding section 12, in the years 1970, 1971 and 1972, the council of the City may by by-law passed before the adoption of the estimates in each year levy, before the adoption of the estimates, on the whole of the assessment for real property, according to the last revised assessment roll, a rate not exceeding 55 mills.

(2) If the council of the City has not provided for taking on business assessment the assessment of business during the year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council, notwithstanding section 12, R.S.O. 1960, c. 23 in the years 1970, 1971 and 1972 may by by-law passed before the adoption of the estimates in each year levy, before the adoption of the estimates, on the whole of the business assessment, according to the last revised assessment roll, a rate not exceeding 55 mills.

(3) If in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the levy under this section. Levy under section 12 to be reduced

(4) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1960, c. 249, s. 294a, subs. 3

(5) The council of the City shall not pass by-laws under section 294a of *The Municipal Act* in the years 1970, 1971 and 1972. By-laws not to be passed under R.S.O. 1960, c. 249, s. 294a

14.—(1) The council of the City shall impose in the years 1970, 1971, 1972 and 1973 lower rates of taxation in the McIntyre and Neebing Wards by the number of mills specified by order of the Minister, on the whole of the assessment for real property and business assessment, according to the last revised assessment roll, than those imposed on such assessment in the remainder of the City. Reduction in rates in McIntyre and Neebing Wards

(2) The council of the City shall include in the estimates to be adopted for the years 1970, 1971, 1972 and 1973 the respective amounts of the reductions granted to McIntyre and Neebing Wards as required in subsection 1. Amount of reduction to be included in estimates

15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each of such wards. Rates under R.S.O. 1960, c. 368

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the wards in the ratio that the total assessment for public school purposes in each ward bears to the total assessment for public school purposes in the City, both as equalized in accordance with subsection 2 of section 12. Rates for public school purposes R.S.O. 1960, c. 361

(3) The amounts required to be levied and collected by the City for secondary school purposes on commercial assessment and residential and farm assessment as determined under Rates for secondary school purposes

R.S.O. 1960,
c. 361

section 105 of *The Schools Administration Act* shall be apportioned among the wards in the ratio that the total assessment for secondary school purposes in each ward bears to the total assessment for secondary school purposes in the City, both as equalized in accordance with subsection 2 of section 12.

Application

(4) The provisions of this section apply only in the years 1970, 1971 and 1972.

Urban
service,
interpre-
tation

16.—(1) In this section,

(a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(b) "urban service" means,

(i) the collection and disposal of sewage and land drainage, or

(ii) the collection, removal and disposal of ashes, garbage and other refuse, or

(iii) street lighting.

Areas of
urban
service

(2) With the approval of the Municipal Board, the council of the City shall by by-law designate the areas in which an urban service is provided by the City.

Levy in
areas

R.S.O. 1960,
cc. 223, 249

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

Special
payments

17. The City shall make payments to The Corporation of the Municipality of Neebing or its successors as follows:

1. In the year 1970—\$15,000
2. In the year 1971—\$11,250
3. In the year 1972— \$7,500
4. In the year 1973— \$3,750

18. The members of the council of the City elected in the year 1969 shall comprise a committee to do anything necessary for the purposes of organization, policy and planning, and the councils of the municipalities concerned may include in their estimates for the year 1969 such amounts as may be agreed upon for the purposes of the committee in the year 1969. <sup>Organiza-
tion
committee</sup>

19.—(1) The council of the City shall offer to employ <sup>Offer of
employment</sup> every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by the City of Fort William, the City of Port Arthur,

The Corporation of the Municipality of Shuniah, The Corporation of the Municipality of Neebing or The Gardens Board or The Board of Parks and Recreation of the City of Fort William or The Recreation and Community Centres Board of the City of Port Arthur or by The Public Utilities Commission of the City of Port Arthur who are employed in relation to an undertaking other than the distribution and supply of electrical power and energy.

(2) The Hydro-Electric Commission of The Lakehead shall ^{Idem} offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by The Hydro-Electric Commission of the City of Fort William or by the Public Utilities Commission of the City of Port Arthur in relation to the distribution and supply of electrical power and energy.

(3) The Lakehead Public Library Board shall offer to ^{Idem} employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by The Public Library Board of the City of Fort William or of the City of Port Arthur.

(4) Any person who accepts employment under subsection 1, 2 or 3 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1969, irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1970. <sup>Guarantee
of salary</sup>

Sick leave
credits

(5) Any sick leave credits standing on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 1, 2 or 3 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(6) Any person who accepts employment under subsection 1, 2 or 3 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipalities or local board mentioned in subsection 1 by which he was formerly employed.

Amalgama-
tion and
annexations
deemed by
order of
O.M.B.

20.—(1) For the purposes of every Act,

- (a) the cities of Fort William and Port Arthur shall be deemed to have been amalgamated by order of the Municipal Board; and
- (b) the geographic townships of McIntyre and Neebing shall be deemed to have been annexed to the amalgamated municipality by orders of the Municipal Board,

R.S.O. 1960,
cc. 249, 274



and such orders are not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act and shall be deemed to have been made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act*, and subject to the provisions of this Act, the Municipal Board, upon the application of the City, The Corporation of the Municipality of Neebing or The Corporation of the Municipality of Shuniah or any local board of any of them or of its own motion, may exercise its powers consequent upon such amalgamation and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Assets and
liabilities
of cities

(2) All the assets and liabilities of the City of Fort William and the City of Port Arthur become assets and liabilities of the City on the 1st day of January, 1970, without compensation.

Disputes as
to assets
and
liabilities

(3) In the event of any doubt as to whether any particular asset or liability of The Public Utilities Commission of Port Arthur is vested in the City under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

 **21.** The by-laws of the cities of Fort William and Port Arthur and the by-laws of The Corporation of the Municipality of Neebing in so far as they pertain to the geographic township of Neebing and the by-laws of The Corporation of the Municipality of Shuniah in so far as they pertain to the geographic township of McIntyre shall remain in force in the former municipalities or geographic townships, as the case may be, until repealed by the council of the City. 

22. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the City of Fort William, the City of Port Arthur, the geographic township of Neebing or the geographic township of McIntyre apply to the City. ^{Application of special Acts}

23. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. ^{Conflict with other Acts}

24. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act. ^{Conditional powers}

25. The following Acts and parts of Acts, together with any by-laws passed thereunder, are repealed effective the 1st day of January, 1970: ^{Repeal}

1. Section 18 of *An Act to incorporate the Town of Fort William*. ^{1892, c. 70, s. 18}
2. Section 6 of *An Act respecting the Town of Fort William, 1903*. ^{1903, c. 52, s. 6}
3. Section 11 of *The Port Arthur Act, 1905*. ^{1905, c. 69, s. 11}
4. Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 of *An Act to incorporate the City of Fort William and for Other Purposes*. ^{1907, c. 66, ss. 14-27, 31}
5. Section 3 of *An Act respecting the City of Fort William, 1909*. ^{1909, c. 106, s. 3}
6. Section 3 of *An Act respecting the City of Fort William*. ^{1910, c. 114, s. 3}
7. Sections 2, 8 and 9 of *An Act respecting the City of Fort William*. ^{1911, c. 88, ss. 2, 8, 9}

1911, c. 104,
ss. 2, 5

8. Sections 2 and 5 of *The City of Port Arthur Act, 1911.*

1912, c. 96,
s. 3

9. Section 3 of *The City of Fort William Act, 1912.*

1914, c. 88,
s. 7

10. Section 7 of *An Act respecting the City of Port Arthur.*

1933, c. 92,
s. 8

11. Section 8 of *The City of Port Arthur Act, 1933.*

1939, c. 68

12. *The Cities of Port Arthur and Fort William Act, 1939.*

1951, c. 100

13. *The City of Fort William Act, 1951.*

1952, c. 120

14. Section 1 of *The City of Fort William Act, 1952.*

1956, c. 115

15. *The City of Port Arthur Act, 1956.*

1958, c. 135

16. *The City of Fort William Act, 1958.*

1966, c. 181

17. *The City of Port Arthur Act, 1966.*

Commence-
ment

26. This Act comes into force on the day it receives Royal Assent.

Short title

27. This Act may be cited as *The City of The Lakehead Act, 1968-69.*

An Act to incorporate the
City of The Lakehead

1st Reading

April 3rd, 1969

2nd Reading

April 24th, 1969

3rd Reading

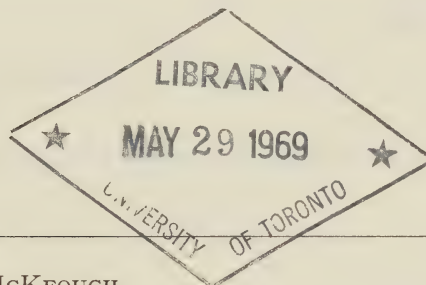
MR. McKEOUGH

(Reprinted as amended by
the Committee of the Whole House)

BILL 118

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to incorporate the City of The Lakehead



MR. McKEOUGH

BILL 118

1968-69

An Act to incorporate the City of The Lakehead

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means the municipality or corporation of the City of The Lakehead;
- (b) "Department" means the Department of Municipal Affairs;
- (c) "Minister" means the Minister of Municipal Affairs.

2. On the 1st day of January, 1970,

Incorporation
of City

- (a) The Corporation of the City of Fort William and The Corporation of the City of Port Arthur are amalgamated as one municipality;
- (b) the geographic township of McIntyre is withdrawn from The Corporation of the Municipality of Shuniah and annexed to the amalgamated municipality under clause *a*; and
- (c) the geographic township of Neebing is withdrawn from The Corporation of the Municipality of Neebing and annexed to the amalgamated municipality under clause *a*,

and on and after that date the inhabitants of the City of Fort William, the City of Port Arthur and the geographic townships of McIntyre and Neebing are a body corporate which shall be a city municipality under the name of "The Corporation of the City of The Lakehead".

3.—(1) The council of the City shall consist of a mayor Council,
composition and twelve aldermen.

Term of office (2) The first council of the City shall hold office until the 1st day of January, 1973, and each succeeding council shall hold office for a two-year term.

First election (3) The Minister by order shall provide for the holding of the elections in the year 1969 for members of the council of the City, including polling day, which shall be the 23rd day of June, 1969, nomination meetings, appointment of returning officers, preparation of voters' lists, application of R.S.O. 1960, c. 254 *The Municipal Franchise Extension Act* and any other matters as are deemed necessary in respect of the election.

Referendum re name of City (4) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the City as set out in section 2; or
- (b) declare the names that the City, the hydro-electric power commission established under section 8 and the public library board established under section 9 shall bear,

and where a declaration is made under clause *b*, all references to the bodies mentioned in clause *b* shall be deemed to refer to the names of such bodies as designated in the declaration.

Wards (5) For the purpose of the election to be held in the years 1969 and 1972 and for the purpose of apportioning the levy for the years 1970, 1971 and 1972 in accordance with section 12, the City is divided into the following wards:

1. Fort William Ward—which shall comprise the area of the City of Fort William as it existed on the 1st day of May, 1969.
2. McIntyre Ward—which shall comprise the area of the geographic township of McIntyre as it existed on the 1st day of May, 1969.
3. Neebing Ward—which shall comprise the area of the geographic township of Neebing as it existed on the 1st day of May, 1969.
4. Port Arthur Ward—which shall comprise the area of the City of Port Arthur as it existed on the 1st day of May, 1969.

(6) Any lands that become part of the City under the provisions of section 4 of *An Act respecting certain aid by the Corporation of the Town of Fort William to the Grand Trunk Pacific Railway Company*, being chapter 48 of the Statutes of Ontario, 1905, or of subsection 2 of section 5 of *An Act respecting the City of Fort William*, being chapter 114 of the Statutes of Ontario, 1910, shall form part of Fort William Ward. ^{Certain lands to form part of Fort William Ward}

4.—(1) The mayor shall be elected by a general vote of the electors of the City. ^{Election of mayor}

(2) Every candidate for the office of mayor in the election to be held in the year 1969 shall be a person, otherwise qualified, whose principal residence was, on the 1st day of September, 1968, and is, at the time of the opening of the nomination meeting, in the City. ^{First election}

(3) The twelve aldermen shall be elected by a general vote of the electors of the City and the electors shall, at the elections to be held in the years 1969 and 1972, vote to elect, ^{Election of aldermen}

(a) five aldermen whose principal residences,

- (i) in the case of the 1969 election were, on the 1st day of September, 1968, in the City of Fort William and are, at the time of the opening of the nomination meeting, in Fort William Ward, and
- (ii) in the case of the 1972 election are, at the time of the opening of the nomination meeting, in Fort William Ward;

(b) one alderman whose principal residence,

- (i) in the case of the 1969 election was, on the 1st day of September, 1968, in the geographic township of McIntyre and is, at the time of the opening of the nomination meeting, in McIntyre Ward, and
- (ii) in the case of the 1972 election is, at the time of the opening of the nomination meeting, in McIntyre Ward;

(c) one alderman whose principal residence,

- (i) in the case of the 1969 election was, on the 1st day of September, 1968, in the geographic township of Neebing and is, at the time of the opening of the nomination meeting, in Neebing Ward, and

(ii) in the case of the 1972 election is, at the time of the opening of the nomination meeting, in Neebing Ward; and

(d) five aldermen whose principal residences,

(i) in the case of the 1969 election were, on the 1st day of September, 1968, in the City of Port Arthur and are, at the time of the opening of the nomination meeting, in Port Arthur Ward, and

(ii) in the case of the 1972 election are, at the time of the opening of the nomination meeting, in Port Arthur Ward.

General
administra-
tive head

5.—(1) The council of the City may, by by-law, appoint a general administrative head, who,

(a) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the council; and

(d) shall receive such salary as the council by by-law determines.

Application
of R.S.O.
1960,
c. 249,
s. 239 (2)

(2) Subsection 2 of section 239 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

No board
of control

6. The City shall not have a board of control.

Fort
William
Gardens
Board
dissolved

7.—(1) The Fort William Gardens Board is hereby dissolved on the 1st day of January, 1970, and the council of the City, on and after that date, shall act in the place and stead of such board, and all the assets and liabilities of such board become, on that date, assets and liabilities of the City without compensation.

Recreation
and
Community
Centres
Board
dissolved

(2) The Recreation and Community Centres Board of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and the council of the City, on and after that date, shall act in the place and stead of such board, and all the assets and liabilities of such board shall become, on that date, assets and liabilities of the City without compensation.

(3) The council of the City shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Council to be
recreation
committee
and com-
munity
centres
board
R.S.O. 1960,
cc. 94, 60

(4) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 69 of section 377 of *The Municipal Act* shall be established by the City.

Prohibition
re establish-
ment of
boards
R.S.O. 1960,
c. 249

8.—(1) A hydro-electric power commission for the City to be known as "The Hydro-Electric Commission of The Lakehead" is hereby established on the 1st day of January, 1970, and shall be deemed to have been established under Part III of *The Public Utilities Act*, and shall consist of the mayor of the City and four other members, and, until the 31st day of December, 1972, two members shall be appointed by The Hydro-Electric Power Commission of Ontario and two members shall be appointed by the council of the City.

Hydro
Commission

R.S.O. 1960
c. 335

(2) The council of the City in the year 1972 shall by by-law provide that thereafter the members of The Hydro-Electric Commission of The Lakehead, except the mayor, shall be appointed as provided in subsection 1 or shall be elected by a general vote of the electors of the City.

By-law re
election or
appoint-
ment of
members

(3) A member shall hold office for the same term as the members of council and until his successor is appointed or elected.

Term of
office

(4) The Hydro-Electric Commission of the City of Fort William is hereby dissolved on the 1st day of January, 1970, and all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.

Fort
William
Commission
dissolved

(5) The Public Utilities Commission of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and, in so far as they pertain to the distribution and supply of electrical power and energy, all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.

Port Arthur
Commission
dissolved

(6) No other public utilities commission shall be established by the City.

No utility
commission
to be
established

Public
library
board

1966, c. 128

9.—(1) A public library board for the City to be known as “The Lakehead Public Library Board” is hereby established on the 1st day of January, 1970, and shall be deemed to have been established under Part I of *The Public Libraries Act, 1966*, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1970.

Library
boards
dissolved

(2) The public library boards of the City of Fort William and the City of Port Arthur are hereby dissolved on the 1st day of January, 1970, and all their assets and liabilities shall become, on that date, assets and liabilities of The Lakehead Public Library Board without compensation.

Planning
Area
R.S.O. 1960,
c. 296

10.—(1) The Lakehead Planning Area shall continue as a joint planning area under *The Planning Act*, and the City shall be the designated municipality within the meaning of *The Planning Act*.

Subsidiary
planning
areas
dissolved

(2) On the 1st day of January, 1970, the subsidiary planning area of the City of Fort William and the subsidiary planning area of the City of Port Arthur, together with the planning boards thereof, are dissolved, and the geographic townships of McIntyre and Neebing are withdrawn respectively from the subsidiary planning areas of Shuniah and Neebing.

Official
plans in
effect

(3) Notwithstanding subsection 2,

(a) the official plans in effect in the City of Fort William and the City of Port Arthur; and

(b) the official plans in effect in The Corporation of the Municipality of Shuniah and The Corporation of the Municipality of Neebing as they relate to the geographic townships of McIntyre and Neebing,

R.S.O. 1960,
c. 296

shall continue in effect until altered or repealed by the council of the City under *The Planning Act*.

Subsidiary
planning
area and
board

(4) The City is constituted a subsidiary planning area of The Lakehead Planning Area on the 1st day of January, 1970, and the council of the City shall be the planning board of the subsidiary planning area.

Interpre-
tation

11. In sections 12, 13 and 14,

(a) “commercial assessment” means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that

is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof, and

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*, R.S.O. 1960, c. 23

according to the last revised assessment rolls;

(b) "residential assessment" means the total assessment for real property according to the last revised assessment rolls except the assessments for real property mentioned in subclauses i and iii of clause a.

12.—(1) The council of the City shall levy, as provided Rates in this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together R.S.O. 1960, c. 249 with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

(2) The Department in each year shall revise and equalize, Equalization of assessment by the application of the latest equalization factors of the Department, the last revised assessment rolls for each of the wards of the City as returned in the preceding year, which revision and equalization shall be final and binding.

(3) Upon completion by the Department of the equalized Reports assessment reports, the Department shall mail a copy thereof to the City.

(4) The amount to be raised by the City in each year by Levy on commercial assessment levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied under subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum to be levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Department under subsection 2, reduced by the sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,
c. 259

Apportion-
ment
among
wards

(6) All sums levied under subsection 1 shall be apportioned among the wards of the City in the following manner:

Commercial

1. The amount, as ascertained in accordance with subsection 4, to be raised by the City in each year by levy on the commercial assessment shall be apportioned among the wards in the proportion that the total commercial assessment in each ward bears to the total commercial assessment in the City both according to the last revised assessment roll as equalized by the Department under subsection 2.

Residential

2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the wards in the proportion that the total residential assessment in each ward bears to the total residential assessment in the City both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
commercial
assessment
in wards

(7) The council of the City shall levy on the whole of the commercial assessment in each ward, according to the last revised assessment roll, the amount ascertained for that ward in accordance with paragraph 1 of subsection 6.

Levy on
residential
assessment
in wards

(8) The council of the City shall levy on the whole of the residential assessment in each ward, according to the last revised assessment roll, the amount ascertained for that ward in accordance with paragraph 2 of subsection 6.

Application

(9) The provisions of this section apply only in the years 1970, 1971 and 1972.

Levy before
estimates
adopted,
on real
property

13.—(1) Notwithstanding section 12, in the years 1970, 1971 and 1972, the council of the City may by by-law passed before the adoption of the estimates in each year levy, before the adoption of the estimates, on the whole of the assessment for real property, according to the last revised assessment roll, a rate not exceeding 55 mills.

(2) If the council of the City has not provided for taking on business the assessment of business during the year in which the rates assessment of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council, notwithstanding section 12, R.S.O. 1960, c. 23 in the years 1970, 1971 and 1972 may by by-law passed before the adoption of the estimates in each year levy, before the adoption of the estimates, on the whole of the business assessment, according to the last revised assessment roll, a rate not exceeding 55 mills.

(3) If in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the reduced levy under this section.

(4) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(5) The council of the City shall not pass by-laws under section 294a of *The Municipal Act* in the years 1970, 1971 and 1972.

14.—(1) The council of the City shall impose in the years 1970, 1971, 1972 and 1973 lower rates of taxation in the McIntyre and Neebing Wards by the number of mills specified by order of the Minister, on the whole of the assessment for real property and business assessment, according to the last revised assessment roll, than those imposed on such assessment in the remainder of the City.

(2) The council of the City shall include in the estimates to be adopted for the years 1970, 1971, 1972 and 1973 the respective amounts of the reductions granted to McIntyre and Neebing Wards as required in subsection 1.

15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each of such wards.

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the wards in the ratio that the total assessment for public school purposes in each ward bears to the total assessment for public school purposes in the City, both as equalized in accordance with subsection 2 of section 12.

(3) The amounts required to be levied and collected by the City for secondary school purposes on commercial assessment and residential and farm assessment as determined under

R.S.O. 1960,
c. 361 section 105 of *The Schools Administration Act* shall be apportioned among the wards in the ratio that the total assessment for secondary school purposes in each ward bears to the total assessment for secondary school purposes in the City, both as equalized in accordance with subsection 2 of section 12.

Application (4) The provisions of this section apply only in the years 1970, 1971 and 1972.

Urban
service,
interpre-
tation

16.—(1) In this section,

(a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(b) “urban service” means,

(i) the collection and disposal of sewage and land drainage, or

(ii) the collection, removal and disposal of ashes, garbage and other refuse, or

(iii) street lighting.

Areas of
urban
service

(2) With the approval of the Municipal Board, the council of the City shall by by-law designate the areas in which an urban service is provided by the City.

Levy in
areas

R.S.O. 1960,
cc. 223, 249

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

Special
payments

17. The City shall make payments to The Corporation of the Municipality of Neebing or its successors as follows:

1. In the year 1970—\$15,000
2. In the year 1971—\$11,250
3. In the year 1972— \$7,500
4. In the year 1973— \$3,750

18. The members of the council of the City elected in the year 1969 shall comprise a committee to do anything necessary for the purposes of organization, policy and planning, and the councils of the municipalities concerned may include in their estimates for the year 1969 such amounts as may be agreed upon for the purposes of the committee in the year 1969. <sup>Organiza-
tion
committee</sup>

19.—(1) The council of the City shall offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by the City of Fort William, the City of Port Arthur, <sup>Offer of
employment</sup>

The Corporation of the Municipality of Shuniah, The Corporation of the Municipality of Neebing or The Gardens Board or The Board of Parks and Recreation of the City of Fort William or The Recreation and Community Centres Board of the City of Port Arthur or by The Public Utilities Commission of the City of Port Arthur who are employed in relation to an undertaking other than the distribution and supply of electrical power and energy.

(2) The Hydro-Electric Commission of The Lakehead shall offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by The Hydro-Electric Commission of the City of Fort William or by the Public Utilities Commission of the City of Port Arthur in relation to the distribution and supply of electrical power and energy. ^{Idem}

(3) The Lakehead Public Library Board shall offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by The Public Library Board of the City of Fort William or of the City of Port Arthur. ^{Idem}

(4) Any person who accepts employment under subsection 1, 2 or 3 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1969, irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1970. <sup>Guarantee
of salary</sup>

Sick leave
credits

(5) Any sick leave credits standing on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 1, 2 or 3 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(6) Any person who accepts employment under subsection 1, 2 or 3 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipalities or local board mentioned in subsection 1 by which he was formerly employed.

Amalgama-
tion and
annexations
deemed by
order of
O.M.B.

20.—(1) For the purposes of every Act,

- (a) the cities of Fort William and Port Arthur shall be deemed to have been amalgamated by order of the Municipal Board; and
- (b) the geographic townships of McIntyre and Neebing shall be deemed to have been annexed to the amalgamated municipality by orders of the Municipal Board,

and such orders are not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act and shall be deemed to have been made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act*, and subject to the provisions of this Act, the Municipal Board, upon the application of the City, The Corporation of the Municipality of Neebing or The Corporation of the Municipality of Shuniah or any local board of any of them or of its own motion, may exercise its powers consequent upon such amalgamation and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

R.S.O. 1960,
cc. 249, 274

Assets and
liabilities
of cities

(2) All the assets and liabilities of the City of Fort William and the City of Port Arthur become assets and liabilities of the City on the 1st day of January, 1970, without compensation.

Disputes as
to assets
and
liabilities

(3) In the event of any doubt as to whether any particular asset or liability of The Public Utilities Commission of Port Arthur is vested in the City under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

21. The by-laws of the cities of Fort William and Port Arthur and the by-laws of The Corporation of the Municipality of Neebing in so far as they pertain to the geographic township of Neebing and the by-laws of The Corporation of the Municipality of Shuniah in so far as they pertain to the geographic township of McIntyre shall remain in force in the former municipalities or geographic townships, as the case may be, until repealed by the council of the City. ^{By-laws to remain in force}

22. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the City of Fort William, the City of Port Arthur, the geographic township of Neebing or the geographic township of McIntyre apply to the City. ^{Application of special Acts}

23. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. ^{Conflict with other Acts}

24. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act. ^{Conditional powers}

25. The following Acts and parts of Acts, together with any by-laws passed thereunder, are repealed effective the 1st day of January, 1970: ^{Repeal}

1. Section 18 of *An Act to incorporate the Town of Fort William*. ^{1892, c. 70, s. 18}
2. Section 6 of *An Act respecting the Town of Fort William, 1903*. ^{1903, c. 52, s. 6}
3. Section 11 of *The Port Arthur Act, 1905*. ^{1905, c. 69, s. 11}
4. Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 of *An Act to incorporate the City of Fort William and for Other Purposes*. ^{1907, c. 66, ss. 14-27, 31}
5. Section 3 of *An Act respecting the City of Fort William, 1909*. ^{1909, c. 106, s. 3}
6. Section 3 of *An Act respecting the City of Fort William*. ^{1910, c. 114, s. 3}
7. Sections 2, 8 and 9 of *An Act respecting the City of Fort William*. ^{1911, c. 88, ss. 2, 8, 9}

- | | |
|---------------------------|--|
| 1911, c. 104,
ss. 2, 5 | 8. Sections 2 and 5 of <i>The City of Port Arthur Act, 1911</i> . |
| 1912, c. 96,
s. 3 | 9. Section 3 of <i>The City of Fort William Act, 1912</i> . |
| 1914, c. 88,
s. 7 | 10. Section 7 of <i>An Act respecting the City of Port Arthur</i> . |
| 1933, c. 92,
s. 8 | 11. Section 8 of <i>The City of Port Arthur Act, 1933</i> . |
| 1939, c. 68 | 12. <i>The Cities of Port Arthur and Fort William Act, 1939</i> . |
| 1951, c. 100 | 13. <i>The City of Fort William Act, 1951</i> . |
| 1952, c. 120 | 14. Section 1 of <i>The City of Fort William Act, 1952</i> . |
| 1956, c. 115 | 15. <i>The City of Port Arthur Act, 1956</i> . |
| 1958, c. 135 | 16. <i>The City of Fort William Act, 1958</i> . |
| 1966, c. 181 | 17. <i>The City of Port Arthur Act, 1966</i> . |
| Commence-
ment | 26. This Act comes into force on the day it receives Royal Assent. |
| Short title | 27. This Act may be cited as <i>The City of The Lakehead Act, 1968-69</i> . |

An Act to incorporate the
City of The Lakehead

1st Reading

April 3rd, 1969

2nd Reading

April 24th, 1969

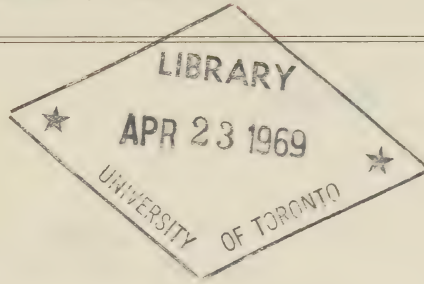
3rd Reading

May 7th, 1969

MR. McKEOUGH

BILL 119

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Game and Fish Act, 1961-62

MR. SHULMAN

EXPLANATORY NOTE

Self-explanatory

BILL 119

1968-69

**An Act to amend
The Game and Fish Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 53 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62,
c. 43, s. 53,
amended</sup> by adding thereto the following subsection:

- (2) Notwithstanding any other provision of this Act, <sup>Hunting
raccoon</sup> no person shall, except on his own lands in defence or preservation of his property, hunt raccoon in that part of Ontario lying north of the centre line of that part of the King's Highway known as No. 7, except from the 25th day of October in any year to the 25th day of January in the year next following, both inclusive.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Game and Fish Amendment Act, 1968-69*. ^{Short title}

An Act to amend
The Game and Fish Act, 1961-62

1st Reading

April 3rd, 1969

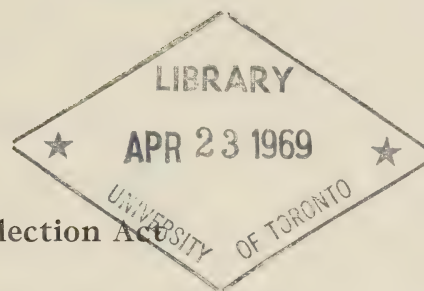
2nd Reading

3rd Reading

MR. SHULMAN

BILL 120

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Election Act

MR. SHULMAN

EXPLANATORY NOTE

The amendment requires that contributors to election campaigns report contributions of more than \$100 to the Provincial Secretary.

BILL 120

1968-69

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 118,
amended

194. Every person or corporation contributing money or its equivalent in the amount or value of more than \$100 to the provincial election campaign of any individual or party shall, within three months after the election, submit a detailed and itemized report of such contribution to the Provincial Secretary and Minister of Citizenship. Contributors
required to
report
campaign
contribu-
tions

2. This Act may be cited as *The Election Amendment Act*, Short title
1968-69.

An Act to amend The Election Act

1st Reading

April 15th, 1969

2nd Reading

3rd Reading

MR. SHULMAN

AZON
B
356

BILL 121

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Medical Services Insurance Act, 1965

MR. DYMOND

EXPLANATORY NOTE

The amendment adopts the Ontario Medical Association's revised schedule of fees taking effect on the 1st day of April, 1969.

BILL 121

1968-69

An Act to amend The Medical Services Insurance Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of *The Medical Services Insurance Act, 1965*, as re-enacted by section 13 of *The Medical Services Insurance Amendment Act, 1966* and amended by section 7 of *The Medical Services Insurance Amendment Act, 1967*, is further amended by striking out "1967" in the amendment of 1967 and inserting in lieu thereof "1969", so that the subsection shall read as follows:

- (1) Subject to subsections 2 and 4, the benefits under a standard contract during the period of two years commencing on the 1st day of April, 1969 shall be based upon 90 per cent of the Ontario Medical Association's schedule of fees in effect on that day, but, if during such period such schedule of fees is changed in respect of any ancillary or incidental matter or in respect of any new procedure and such changes are accepted by the Minister in accordance with the regulations, then, subject to subsections 2 and 4, the benefits under a standard contract during the remainder of such period shall be based upon 90 per cent of the schedule of fees as so changed and accepted.

2. This Act shall be deemed to have come into force on the 1st day of April, 1969.

3. This Act may be cited as *The Medical Services Insurance Amendment Act, 1968-69*.

An Act to amend
The Medical Services Insurance Act, 1965

1st Reading

April 16th, 1969

2nd Reading

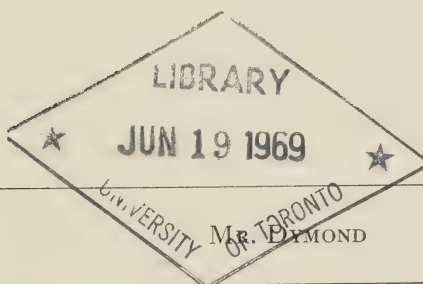
3rd Reading

MR. DYMOND

BILL 121

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Medical Services Insurance Act, 1965



BILL 121

1968-69

**An Act to amend
The Medical Services Insurance Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of *The Medical Services Insurance Act, 1965*, as re-enacted by section 13 of *The Medical Services Insurance Amendment Act, 1966* and amended by section 7 of *The Medical Services Insurance Amendment Act, 1967*, is further amended by striking out "1967" in the amendment of 1967 and inserting in lieu thereof "1969", so that the subsection shall read as follows:

- (1) Subject to subsections 2 and 4, the benefits under a standard contract during the period of two years commencing on the 1st day of April, 1969 shall be based upon 90 per cent of the Ontario Medical Association's schedule of fees in effect on that day, but, if during such period such schedule of fees is changed in respect of any ancillary or incidental matter or in respect of any new procedure and such changes are accepted by the Minister in accordance with the regulations, then, subject to subsections 2 and 4, the benefits under a standard contract during the remainder of such period shall be based upon 90 per cent of the schedule of fees as so changed and accepted.

2. This Act shall be deemed to have come into force on the 1st day of April, 1969.

3. This Act may be cited as *The Medical Services Insurance Amendment Act, 1968-69*.

An Act to amend
The Medical Services Insurance Act, 1965

1st Reading

April 16th, 1969

2nd Reading

April 29th, 1969

3rd Reading

May 9th, 1969

MR. DYMOND

BILL 122

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



The Surveyors Act, 1968-69

MR. BRUNELLE

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EXPLANATORY NOTES

GENERAL—The Bill revises and updates *The Surveyors Act* which was last revised in 1931.

Most of the changes in principle are designed to implement the recommendations of the Report of the Royal Commission Inquiry into Civil Rights.

The following table indicates and comments upon, as accurately as it is possible to do in tabular form, the provisions of the Bill that implement the respective recommendations of the Commission's Report:

McRUER RECOMMENDATION (pp. 1209-1211, Vol. 3)	BILL
No. 1	— No provision called for.
No. 2	— s. 6 (5).
No. 3	— No provision called for.
No. 4	— Bill complies.
No. 5	— s. 6 (7).
No. 6	— No provision called for.
No. 7	— s. 6 (5).
No. 8	— Bill complies. s. 10 (1) (e).
No. 9	— s. 12.
No. 10	— s. 27 (15).
No. 11	— s. 27 (4).
No. 12	— s. 27 (5). Modified.
No. 13	— s. 27 (9).
No. 14	— s. 19 (2).
No. 15	— s. 27 (7). Modified.
No. 16	— s. 27 (1).
No. 17	— Bill complies.
No. 18	— Bill complies.
No. 19	— Bill complies.
No. 20	— s. 27 (1) 6.
No. 21	— s. 27 (21).
No. 22	— s. 19.
No. 23	— s. 28.
No. 24	— No provision called for.

No. 25	— s. 10.
No. 26	— s. 11.
No. 27	— Bill complies.
No. 28	— No provision called for.
Nos. 29, 30, 31	— No limitation provision in Bill — general law will continue to apply.

BILL 122

1968-69

The Surveyors Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "articles" means an agreement respecting training and service between a member of the Association and a student;
- (b) "Association" means The Association of Ontario Land Surveyors;
- (c) "board" means the board of examiners of the Association;
- (d) "by-law" means a by-law of the Association;
- (e) "council" means the council of the Association;
- (f) "professional land surveying" means the advising on, the reporting on, the supervising of or the conducting of surveys to establish, locate, define or describe the lines, boundaries or corners of parcels of land or land covered with water;
- (g) "regulation" means a regulation of the Association;
- (h) "secretary" means the secretary of the Association;
- (i) "student" means a student in professional land surveying. R.S.O. 1960, c. 389, s. 1, *amended*.

ASSOCIATION

Association
continued

2.—(1) The Association of Ontario Land Surveyors constituted a body corporate by section 3 of *The Ontario Land Surveyors Act*, being chapter 34 of the Statutes of Ontario, 1892, is continued as a body corporate. R.S.O. 1960, c. 389, s. 3 (1), *amended*.

Membership

(2) The members of the Association are the persons whose names are on the roll of the Association. R.S.O. 1960, c. 389, s. 3 (2), *amended*.

Objects

3. The objects of the Association are,

- (a) to regulate the practice of professional land surveying and to govern the profession in accordance with this Act, the regulations and the by-laws;
- (b) to establish and maintain standards of knowledge and skill among its members; and
- (c) to establish and maintain standards of professional ethics among its members,

in order that the public interest may be served and protected.
New.

Head office

4. The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in Ontario as is designated by the regulations. *New.*

Property

5. The Association may purchase, acquire or take by gift, devise or bequest for the purposes of the Association and the furtherance of its objects, but for no other purposes or objects, any real or personal property, and may sell, mortgage, lease or otherwise dispose of any such property. R.S.O. 1960, c. 389, ss. 5, 7, *amended*.

COUNCIL

Council

6.—(1) There shall be a council of the Association, which shall consist of,

- (a) the Minister of Lands and Forests or his appointee;
- (b) the Surveyor General; and
- (c) a president, a vice-president and six elected councillors. R.S.O. 1960, c. 389, s. 6 (1), *amended*.

(2) No person shall be elected as a member of the council unless he is a resident of Ontario and a paid-up member of the Association. R.S.O. 1960, c. 389, s. 10 (2), *amended*. Qualifications of elected members of council

(3) No person shall vote in an election of a member of the council unless he is a member of the Association. R.S.O. 1960, c. 389, s. 14 (1), *amended*. Qualifications of electors

(4) The president and vice-president shall be elected annually by secret ballot and two of the six elected councillors shall be elected annually for a term of three years by secret ballot. R.S.O. 1960, c. 389, s. 10 (1), *amended*. Term of office

(5) In addition to the members of the council mentioned in subsection 1, the Lieutenant Governor in Council may appoint as councillors for a term of three years, Lay councillor; legal councillor

(a) a resident of Ontario who is not a member of the Association; and

(b) a resident of Ontario who is a barrister and solicitor of at least ten years standing at the bar of Ontario.

(6) Where the president, vice-president or a councillor ceases to be a member of the Association, is absent from three consecutive meetings of the council, resigns as a member of the council, becomes incapacitated or dies, the office may be declared vacant by the council, and, if such office should be declared vacant, except in a case of a councillor appointed by the Lieutenant Governor in Council, the council shall fill the vacancy by the appointment of a person qualified to be elected as a member of the council, and in the case of a vacancy in the office of a councillor appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may fill the vacancy by appointment of a person of the same class as the councillor causing the vacancy. R.S.O. 1960, c. 389, s. 17, *amended*. Vacancies

(7) No person shall be appointed or elected as a member of the council unless he is a Canadian citizen or other British subject and a person shall cease to be a member of the council if he ceases to be so qualified. *New*. Canadian citizen

7.—(1) The council shall appoint a secretary from among the members of the Association. R.S.O. 1960, c. 389, s. 6 (2), *part, amended*. Secretary

(2) The secretary may also be appointed as the treasurer. *New*. Idem

Roll

(3) In addition to his prescribed duties, the secretary shall maintain and keep for inspection in his office a roll in alphabetical order of the names and the addresses of each member of the Association and shall assign to each member a registration number. R.S.O. 1960, c. 389, s. 30 (1), *amended*.

Evidence of entry on the roll

8. A statement in writing as to the membership or non-membership of any person in the Association purporting to be certified by the secretary is, without proof of office or signature of the secretary, receivable in evidence and constitutes *prima facie* proof of the facts stated therein for all purposes. R.S.O. 1960, c. 389, s. 31 (2, 3), *amended*.

Treasurer

9.—(1) The council may appoint a treasurer and such other officials as it deems fit.

Books of account

(2) In addition to his prescribed duties, the treasurer shall enter in the books to be kept for the purpose a true account of all moneys received and paid by him. R.S.O. 1960, c. 389, s. 39, *amended*.

Regulations

10.—(1) The council may make regulations respecting any matter that is outside the scope of the power to pass by-laws specified in section 11, and, without limiting the generality of the foregoing,

- (a) respecting the government and discipline of members of the Association and students;
- (b) respecting the examination of applicants for admission as students, fixing the terms of articles and providing for the reduction of such terms by reason of educational standing or experience, and respecting the examination of students and applicants for membership in the Association;
- (c) prescribing the form of the summons referred to in subsection 10 of section 27;
- (d) respecting the practice and procedure for hearings held under this Act;
- (e) defining "professional misconduct" for the purposes of this Act and the regulations;
- (f) requiring the bonding of members of the Association or any class thereof, prescribing the collateral security for and terms, conditions and form of bonds, and providing for their forfeiture and the disposition of the proceeds;

- (g) designating a place in Ontario other than The Municipality of Metropolitan Toronto as the head office of the Association.

(2) No regulation is effective,

Approvals

- (a) until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time; and
- (b) until it has been approved by the Lieutenant Governor in Council. *New.*

11.—(1) The council may pass by-laws relating to the administrative and domestic affairs of the Association, and, without limiting the generality of the foregoing,

By-laws

- (a) governing the nomination, election and taking office of members of the council and providing procedures for determining disputes in connection therewith;
- (b) fixing the remuneration and reimbursement of members of the council and the members of the board and the examiners;
- (c) providing for the appointment of committees of the council and defining their composition and functions;
- (d) providing for the calling of meetings of the Association, the council and committees thereof and of the board, fixing the quorums, and governing the procedure for such meetings;
- (e) respecting the management of the property of the Association;
- (f) providing for the borrowing of money on the credit of the Association and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Association to secure any money borrowed or other debt or any other obligation or liability of the Association;
- (g) respecting the application of the funds of the Association, and the investment and reinvestment of any of its funds not immediately required in any investments that may from time to time be authorized

R.S.O. 1960,
c. 71

investments for joint stock insurance companies and cash mutual insurance corporations under *The Corporations Act*;

- (h) providing for the establishment of scholarships, bursaries and prizes;
- (i) respecting the keeping of records by the Association, the council and the board;
- (j) providing for services to encourage and assist members of the Association in the development of their professional competence and conduct and in carrying on the practice of professional land surveying;
- (k) fixing and providing for levying and collecting or remitting annual and other fees, levies and assessments;
- (l) providing for the appointment and privileges of inactive or honorary members of the Association who shall be deemed not to be members of the Association for the purposes of this Act;
- (m) prescribing the duties of the secretary, the treasurer and any other officials;
- (n) prescribing the design of seals of members of the Association and providing for their use;
- (o) prescribing oaths, providing for their use and designating a depository for them;
- (p) prescribing forms and providing for their use;
- (q) respecting all other things that are deemed necessary or convenient for the attainment of the objects of the Association and the efficient conduct of its business. R.S.O. 1960, c. 389, s. 8 (1), *part, amended*.

Approval

(2) No by-law is effective until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose, or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time. R.S.O. 1960, c. 389, s. 8 (2), *amended*.

(3) The by-laws shall be interpreted as though they formed ^{Interpre-} part of this Act. *New.* ^{tation}

12.—(1) The council shall prepare and publish from time ^{Code of} to time a code of ethics containing standards of conduct ^{ethics} designed for the protection of the public, which standards members of the Association must subscribe to and follow in the practice of professional land surveying.

(2) Copies of the code of ethics shall be sent to the members ^{Copies} of the Association and shall be available free of charge to members of the public who apply therefor. *New.*

BOARD

13.—(1) The board shall consist of, ^{Composi-}
 (a) a member of the council appointed by the council ^{tion of} who shall be the chairman of the board; ^{board of}
 (b) four members of the Association appointed by the ^{examiners} council who shall hold office for a term of three years;
 (c) two persons appointed by the Lieutenant Governor in Council who shall hold office for a term of three years; and
 (d) the secretary. R.S.O. 1960, c. 389, s. 19 (1), *amended.*

(2) Where a member of the board resigns, dies or becomes ^{Vacancies} unable to act before his term has expired, the authority that appointed him may appoint another person under subsection 1 to complete the unexpired portion of the term. R.S.O. 1960, c. 389, s. 19 (3), *amended.*

(3) Where the chairman of the board is unable to attend ^{Acting} a meeting of the board, he shall designate a member of the ^{chairman} board to act as chairman for the meeting. *New.*

(4) The board, with the approval of the council, may ^{Examiners} appoint one or more competent persons to assist the board in any of the subjects of examination. R.S.O. 1960, c. 389, s. 19 (5), *amended.*

(5) Each member of the board and any person appointed ^{Oaths} under subsection 4 shall take and subscribe the prescribed oath before a person authorized by law to administer oaths.

Meetings

(6) The board shall hold at least one meeting in each year. R.S.O. 1960, c. 389, s. 20 (1), *amended*.

STUDENTS

Qualifications of students

14.—(1) No person shall be a student unless,

(a) he holds a certificate of educational standing required for admission to a course in civil engineering in a university in Ontario or evidence of an educational standing that in the opinion of the board is the equivalent thereof;

(b) he passes such of the prescribed examinations as are required by the board; and

(c) his articles are approved by the board. R.S.O. 1960, c. 389, s. 22, *amended*.

Application to be student

(2) An application to be a student shall be made to the secretary and shall be accompanied by evidence satisfactory to the board of the applicant's educational standing, two references as to his good character, and his articles. *New*.

Stale articles

(3) No articles that have been executed for more than thirty days shall be submitted under subsection 2.

Registration

(4) When an application under this section is approved by the board, the secretary shall register the applicant as a student and notify the parties to the articles by mail of the registration. R.S.O. 1960, c. 389, s. 27, *amended*.

Transfer of articles

15.—(1) A member of the Association who is a party to articles may, with the consent of the student and the approval of the council, transfer the articles to another member of the Association.

Idem

(2) Upon cause being shown to the council, the council may transfer articles from one member of the Association to another member. R.S.O. 1960, c. 389, s. 26, *amended*.

MEMBERS

Existing members

16. Every person who is a member of the Association on the 31st day of December, 1969, shall be entered on the roll under this Act. *New*.

New members

17.—(1) The board shall upon application admit as a member of the Association a student who,

(a) is twenty-one or more years of age;

(b) resides,

(i) in Ontario,

(ii) outside Ontario and is employed for an indefinite period as a full-time employee of an employer having works or facilities in Ontario and is required by the terms of his employment to practise professional land surveying in respect of such works or facilities or has a place of employment in Ontario and proposes to practise professional land surveying in Ontario on a full-time basis;

(c) has faithfully and regularly served his term of articles, serving one-half of the term in actual survey work in the field and has filed with the secretary at the close of each year of service a record of his training, certified by the member of the Association to whom he was articulated;

(d) has, not more than one year before the completion of his articles, passed such of the prescribed examinations as are required by the board;

(e) has received training and experience in professional land surveying satisfactory to the board;

(f) has paid all dues owed by him to the Association;

(g) has produced satisfactory evidence of continued good character;

(h) has entered into and deposited with the secretary a bond as required by the regulations;

(i) has provided himself with a certified standard measure of length; and

(j) has taken and subscribed the prescribed oath.
R.S.O. 1960, c. 389, s. 21 (1), *amended*.

(2) The chairman of the board or any other member ^{Oaths} thereof who is designated by the board for the purpose may administer the oath mentioned in clause *j* of subsection 1.
New.

18. The board shall upon application admit as a member ^{Surveyors} of the Association any person who furnishes satisfactory proof ^{from other} jurisdictions that he,

(a) is twenty-one years or more of age;

- (b) resides in Ontario or resides outside Ontario under the circumstances set out in subclause ii of clause *b* of subsection 1 of section 17;
- (c) is a member of an association of professional land surveyors in a jurisdiction other than Ontario that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario;
- (d) has received training and experience in professional land surveying satisfactory to the board;
- (e) has produced satisfactory evidence of good character;
- (f) has paid the prescribed fee;
- (g) has passed such examinations and served articles for such term as the board determines; and
- (h) has complied with clauses *h*, *i* and *j* of subsection 1 of section 17. R.S.O. 1960, c. 389, s. 24, *amended*.

Hearing
where
application
for member-
ship, etc.,
refused

19.—(1) Where an applicant for membership has met the academic and experience requirements, or an applicant for readmittance has paid the required dues and has passed any required examinations, and his application is refused, the board or the council, as the case may be, shall, upon the written request of the applicant received by the secretary within fifteen days of the receipt by the applicant of written notice of the refusal, conduct a hearing of the matter.

Conduct of
hearing

(2) Section 27 applies *mutatis mutandis* to any hearing conducted under this section except that upon any such hearing the board or the council, as the case may be, may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent men in the conduct of their own affairs. *New*.

Recovery
of dues

20.—(1) Any fee, assessment or levy payable under the by-laws shall be deemed to be a debt due to the Association and is recoverable with costs in the name of the Association in any court of competent jurisdiction. R.S.O. 1960, c. 389, s. 38 (1), *amended*.

Suspension
for non-
payment
of dues

(2) Where any fee, assessment or levy payable under the by-laws remains unpaid for a period of six months after the date upon which it became due, the secretary shall send a written notice of such default by prepaid mail to the defaulting member at his address shown on the roll and, if payment

is not made within one month thereafter, the council may direct the secretary to remove his name from the roll, and thereupon he ceases to be a member, but the council shall upon application readmit him if he,

- (a) pays the amount of fees, assessments and levies that he would have owed if he had continued to be a member or such part thereof as the council deems just; and
- (b) passes such examination as the council directs. R.S.O. 1960, c. 389, s. 29, *amended*.

21. A member of the Association may resign from the Association upon giving written notice to the secretary and paying all dues owed by him to the Association. R.S.O. 1960, c. 389, s. 30 (2), *amended*. ^{Resignations}

22. Where a member of the Association has resigned from the Association, the board may upon application readmit him if he, ^{Re-admission to membership}

- (a) pays the annual membership fee for the year; and
- (b) passes such examination as the board directs. R.S.O. 1960, c. 389, s. 30 (2), *part, amended*.

23. A member of the Association shall have a seal of the prescribed design, which shall contain his name and his registration number. *New*. ^{Seal}

24. The secretary shall issue a certificate of membership in the Association to each member who shall keep it prominently displayed in his place of business. R.S.O. 1960, c. 389, s. 21 (1), *part, amended*. ^{Certificate of membership}

25.—(1) Every member of the Association is entitled to engage in the practice of professional land surveying. *New*. ^{Right to practice}

(2) Every member of the Association is entitled to use the title "Ontario Land Surveyor" or the abbreviation "O.L.S.". R.S.O. 1960, c. 389, s. 34 (1), *part, amended*. ^{Right to use title}

PARTNERSHIPS, CORPORATIONS

26.—(1) No partnership, association of persons or corporation as such shall be a member or shall, except as authorized by this section, practise professional land surveying. ^{Practice prohibited by partnerships and corporations}

Certificates
of authoriza-
tion

(2) A partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional land surveying,

- (a) if one of its principal or customary functions is to engage in the practice of professional land surveying; and
- (b) if the practice of professional land surveying is done under the responsibility and supervision of a member of the partnership or the association of persons, a director of the corporation, or a full-time employee of the corporation, who in any case is a member of the Association; and
- (c) in the case of a corporation, if a majority of each class of its shares is owned by and registered in the name of one or more members of the Association.

Applications
for
certificates

(3) A partnership, association of persons or corporation that desires a certificate of authorization shall submit to the secretary an application in the prescribed form containing,

- (a) the names and addresses of all its partners, members, officers or directors, as the case may be;
- (b) the names of all its partners, its members in the case of associations of persons, its directors or full-time employees in the case of corporations, who are the members of the Association who will be in charge of professional land surveying on its behalf;
- (c) from among the names specified under clause *b* the name or names of its official representative or representatives whose duty it is to ensure that this Act, the regulations and the by-laws are complied with by the partnership, the association of persons or the corporation, as the case may be,

and shall, whenever there is a change in the particulars given in its application, give notice of the change to the secretary within thirty days after the effective date of the change.

Issue of
certificates

(4) If subsection 3 is complied with, the secretary shall issue to the applicant a certificate of authorization.

Ipso facto
revocation
of
certificate

(5) Where the holder of a certificate of authorization ceases to have any official representative, the certificate is *ipso facto* revoked, and the partnership, association of persons or corporation shall not practise professional land surveying until a new certificate of authorization is issued.

(6) Where the council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section or has been guilty of conduct that would, in the case of a member of the Association, have been professional misconduct, the council may reprimand the holder or suspend or revoke the certificate of authorization.

Reprimand
of holder of
certificate

(7) Sections 19, 27 and 28 apply *mutatis mutandis* to the refusal to issue a certificate of authorization and to the revocation or suspension of a certificate of authorization.

Application
of ss. 19, 27,
28

New.

DISCIPLINE

27.—(1) Subject to subsection 2, where the council finds that a person who is a member of the Association is guilty of professional misconduct or has obtained admission as a member by reason of misrepresentation, the council may by order do one or more of the following:

Powers of
council to
discipline
members

1. Reprimand such person and, if considered proper, direct that the fact of the reprimand be recorded on the roll.
2. Suspend the membership of such person for such time as the council considers proper and direct that the reinstatement of such membership on the termination of such suspension be subject to such conditions, if any, as the council considers proper.
3. Direct that the imposition of any penalty be suspended or postponed for such period and upon such terms as the council considers proper and that at the end of such period and upon the compliance with such terms any penalty be remitted.
4. Direct that the membership of such person be cancelled and that the name of such person be removed from the roll.
5. Direct that the decision of the council be published in detail or in summary in such manner or medium as the council considers appropriate in any particular case.
6. Direct that, where it appears that the proceedings were unwarranted, such costs as to the council seem just be paid by the Association to the member whose conduct was the subject of such proceedings. R.S.O. 1960, c. 389, s. 36 (1), *amended*.

Complaint
and hearing

(2) The council shall not take any action under subsection 1 unless,

- (a) a complaint under oath has been filed with the secretary and a copy thereof has been served on the person whose conduct is being investigated;
- (b) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and
- (c) the council has heard evidence of or on behalf of the complainant and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence or evidence on his behalf and has reached the decision that he is guilty.

Power to
take sworn
evidence

(3) Any person presiding at a hearing may administer oaths to witnesses and require them to give evidence under oath.

Failure
to appear

(4) If the person whose conduct is being investigated fails to appear in answer to the notice at the time and place appointed, the hearing may be conducted in his absence.

Disciplinary
hearings to
be held
in camera

(5) Hearings shall be held *in camera*, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the secretary before the day fixed for the hearing, the council may conduct the hearing in public or otherwise as it thinks proper.

Adjourn-
ments

(6) The council may adjourn any hearing at any time and from time to time.

Attendance
of persons
being in-
vestigated

(7) A person whose conduct is being investigated, if present in person at the hearing, has the right to be represented by counsel or agent, to adduce evidence and to make submissions and any such person may be compelled to attend and give evidence in the manner provided in subsection 10.

Hearing of
evidence
R.S.O. 1960,
c. 125

(8) The oral evidence submitted at a hearing shall be taken down in writing or by any other method authorized by *The Evidence Act*.

Rules of
evidence

(9) The rules of evidence applicable in civil proceedings are applicable at hearings, but at a hearing members of the council may take notice of generally recognized technical or scientific facts or opinions within the specialized knowledge of members of the council if the person whose conduct is being investigated has been informed before or during the hearing of any such matters noticed and he has been given an opportunity to contest the material so noticed. *New.*

(10) The president, the vice-president or the secretary may, ^{Summons to witness} and the secretary upon application of a person whose conduct is being investigated shall, issue a summons in the prescribed form commanding the attendance and examination of any person as a witness, and the production of any document the production of which could be compelled at the trial of an action, to appear before the council at the time and place mentioned in the summons and stating that failure to obey the summons will render the person liable to committal to prison on an application to the Supreme Court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

(11) If any person,

^{Failure of witness to appear, etc.}

- (a) on being duly summoned to appear as a witness makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required to be taken, or to produce any document in his power or control legally required to be produced by him, or to answer any question which he is legally required to answer; or
- (c) does any other thing which would, if the council had been a court of law having power to commit for contempt, have been contempt of that court,

the person presiding at the hearing may certify the offence of that person under his hand to the Supreme Court and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statements that may be offered in defence, punish or take steps for the punishment of that person in the like manner as if he had been guilty of contempt of court. R.S.O. 1960, c. 389, s. 37, *amended*.

(12) At a hearing the complainant and the person whose ^{Examination and cross-examination} conduct is being investigated have the right to examine the witnesses called by them respectively, and to cross-examine the witnesses opposed in interest.

(13) The decision taken after a hearing shall be in writing ^{Decisions} and shall contain or be accompanied by the reasons for the decision in which are set out the findings of fact and the conclusions of law, if any, based thereon, and a copy of the decision and the reasons therefor, together with a notice to the person whose conduct is being investigated of his right of appeal, shall be served upon him within thirty days after the date of the decision.

Record

(14) A record shall be compiled for every hearing consisting of the complaint and the notice referred to in subsection 2, any intermediate rulings or orders made in the course of the proceedings, a transcript of the oral evidence, if a transcript has been prepared, such documentary evidence and things as were received in evidence and the decision and the reasons therefor, provided that documents and things received in evidence may be released to the persons tendering them when all appeals have been finally disposed of or the right to appeal has terminated.

Service of documents

(15) Any document required to be served under this Act upon a person whose conduct is being investigated shall be served personally upon him, but where it appears that service cannot be effected personally, the document may be served by mailing a copy thereof in a registered letter addressed to him at his last known residence or office address as shown by the records of the Association, and service shall be effected not less than ten days before the date of the hearing or the event or thing required to be done, as the case may be, and proof by affidavit of the service is sufficient. *New.*

Re-instatement after suspension

(16) Where a member has been suspended from practising under this section, he may, upon payment of all dues owed by him to the Association, apply to the council to be reinstated as a member and the council may terminate the suspension of such member upon such terms as it considers proper.

Re-admission after expulsion

(17) A person whose membership has been cancelled under this section may apply to the council for membership and the council shall, subject to subsection 18, hear the application and make such order as it considers proper and may include as a term of any such order such conditions as the council considers proper to be fulfilled before the applicant is admitted to membership or to be observed by such member thereafter. R.S.O. 1960, c. 389, s. 36 (8), *amended.*

Idem

(18) Except with the consent of the council, no application under subsection 17 shall be heard before the expiry of two years from the date of the cancellation of membership or the date of the final disposition of any appeal.

Idem

(19) Upon a hearing for admission to membership under subsection 17, the council shall follow, in so far as is practicable, the procedure provided for in the case of a complaint under this section, and a former member has the same right of appeal from an order made by the council under subsection 17 as is provided in section 28.

Committee of council

(20) The council may appoint a committee to act for and on its behalf composed of not fewer than five members of the council, one of whom shall be the president or the vice-

president, and may delegate to the committee all or any of its powers and duties under this section upon such terms and conditions, if any, as the council considers proper, and a decision or order of the committee is the decision or order of the council. *New.*

(21) Except in the case of professional misconduct constituting incompetence on the part of the person whose conduct was investigated, the suspension or cancellation of the membership of a person whose conduct was investigated under this section does not become effective until any appeal has been finally disposed of or the right of appeal has terminated. R.S.O. 1960, c. 389, s. 36 (2), *amended*. Practice pending appeal

APPEALS

28.—(1) Any person who has been refused admittance or readmission to membership in the Association or who has been reprimanded or whose membership is suspended or cancelled may appeal from the order of refusal, reprimand, suspension or cancellation to the Court of Appeal within fifteen days from the day upon which he is served with the order of refusal, reprimand, suspension or cancellation. Appeal

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the secretary shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence by the board or council in dealing with and disposing of the matter complained of. Certified copies of papers

(3) If the appellant fails to pay the cost of the certified copy and the cost of such additional copies of the evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the secretary, the appeal shall be deemed to be abandoned. *New.* Failure to pay costs

(4) An appeal under this section shall be by motion, notice of which shall be served upon the secretary, and the record shall consist of a copy, certified by the secretary, of the proceedings before the board or council, the evidence taken, the report of the board or council and all decisions, findings and orders of the board or council in the matter. Procedure and record

(5) Except as otherwise provided, appeals under this section shall be in accordance with the practice in appeals from the decision or order of a judge of the Supreme Court. Practice

(6) Upon the hearing of an appeal under this section the Court of Appeal may make such order as the court deems proper or may refer the matter or any part thereof back to the Orders

board or council with such directions as the court deems proper.

Costs

(7) The Court of Appeal may make such order as to the costs of the appeal as the court deems proper. R.S.O. 1960, c. 389, s. 36 (3-7), *amended*.

OFFENCES

Offences,
persons

29.—(1) Every person, other than a member of the Association, who,

- (a) uses the title "Ontario Land Surveyor" or uses any addition to or abbreviation of such title, or uses the designation "surveyor" or any words, name or designation that will lead to the belief that he is a member of the Association;
- (b) advertises, holds himself out, or conducts himself in any way or by any means as a member of the Association; or
- (c) engages in the practice of professional land surveying,

is guilty of an offence.

Idem

(2) Every person who,

- (a) wilfully procures or attempts to procure admission to the Association for himself or for another person by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written;
- (b) wilfully procures or attempts to procure a certificate of authorization for a partnership, association of persons or corporation by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written; or
- (c) knowingly makes any false statement in any application, declaration or other document under this Act or the regulations,

is guilty of an offence.

Offences,
partner-
ships,
associations
and
corporations

(3) Where a partnership, association of persons or corporation that has no subsisting certificate of authorization,

- (a) practises professional land surveying;

- (b) uses any name, title, description or designation that will lead to the belief that it is entitled to practise professional land surveying; or
- (c) advertises, holds itself out or conducts itself in any way or in such manner as to lead to the belief that it is entitled to practise professional land surveying,

every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

(4) Where a partnership, association of persons or corporation that has a subsisting certificate of authorization practises professional land surveying in contravention of this Act, every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence. ^{Idem}

(5) Every person, member of a partnership, member of an association of persons, and every corporation and director thereof, who is guilty of an offence under this section is, on summary conviction, liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. ^{Penalties}

(6) No proceedings shall be commenced for a contravention of any of the provisions of this section after two years from the date of the commission of such contravention. ^{Limitation of proceedings} *New.*

30. No action or other proceedings for damages shall be instituted against the council or the board, or any member or official of the council or the board or any person appointed by the council or the board for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of any such duty or power. ^{Protection from actions} *New.*

TRANSITIONAL

31. Every member of the council in office immediately before this Act comes into force shall continue in office for the remainder of the unexpired portion of his term. ^{Present members of council} *New.*

32. The Treasurer of Ontario and Minister of Economics shall cause to be delivered to the secretary all bonds on deposit with him under clause g of subsection 1 of section 21 of *The Surveyors Act*, being chapter 389 of the Revised Statutes of Ontario, 1960, or under any predecessor thereof. ^{Bonds}

Oaths

33. The Provincial Secretary and Minister of Citizenship shall cause to be delivered to the secretary all oaths on deposit with him under clause *i* of subsection 1 of section 21 of *The Surveyors Act*, being chapter 389 of the Revised Statutes of Ontario, 1960, or under any predecessor thereof.

MISCELLANEOUS

R.S.O. 1960,
c. 389,
repealed

34. *The Surveyors Act* is repealed.

Commence-
ment

35. This Act comes into force on the 1st day of January, 1970.

Short title

36. This Act may be cited as *The Surveyors Act, 1968-69*.

The Surveyors Act, 1968-69

1st Reading

April 17th, 1969

2nd Reading

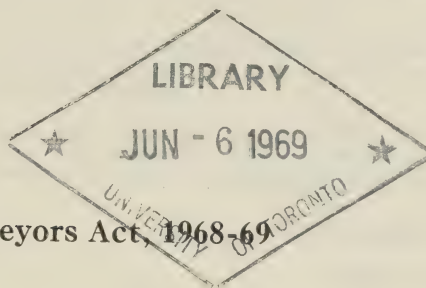
3rd Reading

MR. BRUNELLE

BILL 122

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



The Surveyors Act, 1968-69

MR. BRUNELLE

(Reprinted as amended by the Legal and Municipal Committee)

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EXPLANATORY NOTES

GENERAL—The Bill revises and updates *The Surveyors Act* which was last revised in 1931.

Most of the changes in principle are designed to implement the recommendations of the Report of the Royal Commission Inquiry into Civil Rights.

The following table indicates and comments upon, as accurately as it is possible to do in tabular form, the provisions of the Bill that implement the respective recommendations of the Commission's Report:

McRuer Recommendation (pp. 1209-1211, Vol. 3)	BILL
No. 1	— No provision called for.
No. 2	— s. 6 (5).
No. 3	— No provision called for.
No. 4	— Bill complies.
No. 5	— s. 6 (7).
No. 6	— No provision called for.
No. 7	— s. 6 (5).
No. 8	— Bill complies. s. 10 (1) (e).
No. 9	— s. 12.
No. 10	— s. 27 (15).
No. 11	— s. 27 (4).
No. 12	— s. 27 (5). Modified.
No. 13	— s. 27 (9).
No. 14	— s. 19 (2).
No. 15	— s. 27 (7). Modified.
No. 16	— s. 27 (1).
No. 17	— Bill complies.
No. 18	— Bill complies.
No. 19	— Bill complies.
No. 20	— s. 27 (1) 6.
No. 21	— s. 27 (21).
No. 22	— s. 19.
No. 23	— s. 28.
No. 24	— No provision called for.

No. 25	— s. 10.
No. 26	— s. 11.
No. 27	— Bill complies.
No. 28	— No provision called for.
Nos. 29, 30, 31	— No limitation provision in Bill — general law will continue to apply.

BILL 122

1968-69

The Surveyors Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "articles" means an agreement respecting training and service between a member of the Association and a student;
- (b) "Association" means The Association of Ontario Land Surveyors;
- (c) "board" means the board of examiners of the Association;
- (d) "by-law" means a by-law of the Association;
- (e) "council" means the council of the Association;
- (f) "professional land surveying" means the advising on, the reporting on, the supervising of or the conducting of surveys to establish, locate, define or describe the lines, boundaries or corners of parcels of land or land covered with water;
- (g) "regulation" means a regulation of the Association;
- (h) "secretary" means the secretary of the Association;
- (i) "student" means a student in professional land surveying. R.S.O. 1960, c. 389, s. 1, *amended*.

ASSOCIATION

Association
continued

2.—(1) The Association of Ontario Land Surveyors constituted a body corporate by section 3 of *The Ontario Land Surveyors Act*, being chapter 34 of the Statutes of Ontario, 1892, is continued as a body corporate. R.S.O. 1960, c. 389, s. 3 (1), *amended*.

Membership

(2) The members of the Association are the persons whose names are on the roll of the Association. R.S.O. 1960, c. 389, s. 3 (2), *amended*.

Objects

3. The objects of the Association are,

- (a) to regulate the practice of professional land surveying and to govern the profession in accordance with this Act, the regulations and the by-laws;
- (b) to establish and maintain standards of knowledge and skill among its members; and
- (c) to establish and maintain standards of professional ethics among its members,

in order that the public interest may be served and protected.
New.

Head office

4. The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in Ontario as is designated by the regulations. *New.*

Property

5. The Association may purchase, acquire or take by gift, devise or bequest for the purposes of the Association and the furtherance of its objects, but for no other purposes or objects, any real or personal property, and may sell, mortgage, lease or otherwise dispose of any such property. R.S.O. 1960, c. 389, ss. 5, 7, *amended*.

COUNCIL

Council

6.—(1) There shall be a council of the Association, which shall consist of,

- (a) the Minister of Lands and Forests or his appointee;
- (b) the Surveyor General; and
- (c) a president, a vice-president and six elected councillors. R.S.O. 1960, c. 389, s. 6 (1), *amended*.

(2) No person shall be elected as a member of the council unless he is a resident of Ontario and a paid-up member of the Association. R.S.O. 1960, c. 389, s. 10 (2), *amended*. ^{Qualifications of elected members of council}

(3) No person shall vote in an election of a member of the council unless he is a member of the Association. R.S.O. 1960, c. 389, s. 14 (1), *amended*. ^{Qualifications of electors}

(4) The president and vice-president shall be elected annually by secret ballot and two of the six elected councillors shall be elected annually for a term of three years by secret ballot. R.S.O. 1960, c. 389, s. 10 (1), *amended*. ^{Term of office}

(5) In addition to the members of the council mentioned in subsection 1, the Lieutenant Governor in Council may appoint as councillors for a term of three years, ^{Lay councillor; legal councillor}

(a) a resident of Ontario who is not a member of the Association; and

(b) a resident of Ontario who is a barrister and solicitor of at least ten years standing at the bar of Ontario.

(6) Where the president, vice-president or a councillor ceases to be a member of the Association, is absent from three consecutive meetings of the council, resigns as a member of the council, becomes incapacitated or dies, the office may be declared vacant by the council, and, if such office should be declared vacant, except in a case of a councillor appointed by the Lieutenant Governor in Council, the council shall fill the vacancy by the appointment of a person qualified to be elected as a member of the council, and in the case of a vacancy in the office of a councillor appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may fill the vacancy by appointment of a person of the same class as the councillor causing the vacancy. R.S.O. 1960, c. 389, s. 17, *amended*. ^{Vacancies}

(7) No person shall be appointed or elected as a member of the council unless he is a Canadian citizen or other British subject and a person shall cease to be a member of the council if he ceases to be so qualified. *New*. ^{Canadian citizen}

7.—(1) The council shall appoint a secretary from among the members of the Association. R.S.O. 1960, c. 389, s. 6 (2), *part, amended*. ^{Secretary}

(2) The secretary may also be appointed as the treasurer. *New*. ^{Idem}

Roll

(3) In addition to his prescribed duties, the secretary shall maintain and keep for inspection in his office a roll in alphabetical order of the names and the addresses of the members of the Association and shall assign to each member a registration number. R.S.O. 1960, c. 389, s. 30 (1), *amended*.

Evidence of entry on the roll

8. A statement in writing as to the membership or non-membership of any person in the Association purporting to be certified by the secretary is, without proof of office or signature of the secretary, receivable in evidence and constitutes *prima facie* proof of the facts stated therein for all purposes. R.S.O. 1960, c. 389, s. 31 (2, 3), *amended*.

Treasurer

9.—(1) The council may appoint a treasurer and such other officials as it deems fit.

Books of account

(2) In addition to his prescribed duties, the treasurer shall enter in the books to be kept for the purpose a true account of all moneys received and paid by him. R.S.O. 1960, c. 389, s. 39, *amended*.

Regulations

10.—(1) The council may make regulations respecting any matter that is outside the scope of the power to pass by-laws specified in section 11, and, without limiting the generality of the foregoing,

- (a) respecting the government and discipline of members of the Association and students;
- (b) respecting the examination of applicants for admission as students, fixing the terms of articles and providing for the reduction of such terms by reason of educational standing or experience, and respecting the examination of students and applicants for membership in the Association;
- (c) prescribing the form of the summons referred to in subsection 10 of section 27;
- (d) respecting the practice and procedure for hearings held under this Act;
- (e) defining “professional misconduct” for the purposes of this Act and the regulations;
- (f) requiring the bonding of members of the Association or any class thereof, prescribing the collateral security for and terms, conditions and form of bonds, and providing for their forfeiture and the disposition of the proceeds;

- (g) designating a place in Ontario other than The Municipality of Metropolitan Toronto as the head office of the Association.

(2) No regulation is effective,

Approvals

- (a) until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time; and
- (b) until it has been approved by the Lieutenant Governor in Council. *New.*

11.—(1) The council may pass by-laws relating to the administrative and domestic affairs of the Association, and, without limiting the generality of the foregoing,

By-laws

- (a) governing the nomination, election and taking office of members of the council and providing procedures for determining disputes in connection therewith;
- (b) fixing the remuneration and reimbursement of members of the council and the members of the board and the examiners;
- (c) providing for the appointment of committees of the council and defining their composition and functions;
- (d) providing for the calling of meetings of the Association, the council and committees thereof and of the board, fixing the quorums, and governing the procedure for such meetings;
- (e) respecting the management of the property of the Association;
- (f) providing for the borrowing of money on the credit of the Association and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Association to secure any money borrowed or other debt or any other obligation or liability of the Association;
- (g) respecting the application of the funds of the Association, and the investment and reinvestment of any of its funds not immediately required in any investments that may from time to time be authorized

R.S.O. 1960,
c. 71

investments for joint stock insurance companies and cash mutual insurance corporations under *The Corporations Act*;

- (h) providing for the establishment of scholarships, bursaries and prizes;
- (i) respecting the keeping of records by the Association, the council and the board;
- (j) providing for services to encourage and assist members of the Association in the development of their professional competence and conduct and in carrying on the practice of professional land surveying;
- (k) fixing and providing for levying and collecting or remitting annual and other fees, levies and assessments;
- (l) providing for the appointment and privileges of inactive or honorary members of the Association who shall be deemed not to be members of the Association for the purposes of this Act;
- (m) prescribing the duties of the secretary, the treasurer and any other officials;
- (n) prescribing the design of seals of members of the Association and providing for their use;
- (o) prescribing oaths, providing for their use and designating a depository for them;
- (p) prescribing forms and providing for their use;
- (q) respecting all other things that are deemed necessary or convenient for the attainment of the objects of the Association and the efficient conduct of its business. R.S.O. 1960, c. 389, s. 8 (1), *part, amended*.

Approval

(2) No by-law is effective until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose, or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time. R.S.O. 1960, c. 389, s. 8 (2), *amended*.

(3) The by-laws shall be interpreted as though they formed part of this Act. *New.* Interpretation

12.—(1) The council shall prepare and publish from time to time a code of ethics containing standards of conduct designed for the protection of the public, which standards members of the Association must subscribe to and follow in the practice of professional land surveying. Code of ethics

(2) Copies of the code of ethics shall be sent to the members of the Association and shall be available free of charge to members of the public who apply therefor. *New.* Copies

BOARD

13.—(1) The board shall consist of, Composition of board of examiners

- (a) a member of the council appointed by the council who shall be the chairman of the board;
- (b) four members of the Association appointed by the council who shall hold office for a term of three years;
- (c) two persons appointed by the Lieutenant Governor in Council who shall hold office for a term of three years; and
- (d) the secretary. R.S.O. 1960, c. 389, s. 19 (1), *amended.*

(2) Where a member of the board resigns, dies or becomes unable to act before his term has expired, the authority that appointed him may appoint another person under subsection 1 to complete the unexpired portion of the term. R.S.O. 1960, c. 389, s. 19 (3), *amended.* Vacancies

(3) Where the chairman of the board is unable to attend a meeting of the board, he shall designate a member of the board to act as chairman for the meeting. *New.* Acting chairman

(4) The board, with the approval of the council, may appoint one or more competent persons to assist the board in any of the subjects of examination. R.S.O. 1960, c. 389, s. 19 (5), *amended.* Examiners

(5) Each member of the board and any person appointed under subsection 4 shall take and subscribe the prescribed oath before a person authorized by law to administer oaths. Oaths

Meetings (6) The board shall hold at least one meeting in each year.
R.S.O. 1960, c. 389, s. 20 (1), *amended*.

STUDENTS

Qualifica-
tions of
students **14.**—(1) No person shall be a student unless,

- (a) he holds a certificate of educational standing required for admission to a course in civil engineering in a university in Ontario or evidence of an educational standing that in the opinion of the board is the equivalent thereof;
- (b) he passes such of the prescribed examinations as are required by the board; and
- (c) his articles are approved by the board. R.S.O. 1960, c. 389, s. 22, *amended*.

Application
to be
student (2) An application to be a student shall be made to the secretary and shall be accompanied by evidence satisfactory to the board of the applicant's educational standing, two references as to his good character, and his articles. *New*.

Stale
articles (3) No articles that have been executed for more than thirty days shall be submitted under subsection 2.

Registration (4) When an application under this section is approved by the board, the secretary shall register the applicant as a student and notify the parties to the articles by mail of the registration. R.S.O. 1960, c. 389, s. 27, *amended*.

Transfer
of articles **15.**—(1) A member of the Association who is a party to articles may, with the consent of the student and the approval of the council, transfer the articles to another member of the Association.

Idem (2) Upon cause being shown to the council, the council may transfer articles from one member of the Association to another member. R.S.O. 1960, c. 389, s. 26, *amended*.

MEMBERS

Existing
members **16.** Every person who is a member of the Association on the 31st day of December, 1969, shall be entered on the roll under this Act. *New*.

New
members **17.**—(1) The board shall upon application admit as a member of the Association a student who,

- (a) is twenty-one or more years of age;

(b) resides,

(i) in Ontario,

(ii) outside Ontario and is employed for an indefinite period as a full-time employee of an employer having works or facilities in Ontario and is required by the terms of his employment to practise professional land surveying in respect of such works or facilities or has a place of employment in Ontario and proposes to practise professional land surveying in Ontario on a full-time basis;

(c) has faithfully and regularly served his term of articles, serving one-half of the term in actual survey work in the field and has filed with the secretary at the close of each year of service a record of his training, certified by the member of the Association to whom he was articulated;

(d) has, not more than one year before the completion of his articles, passed such of the prescribed examinations as are required by the board;

(e) has received training and experience in professional land surveying satisfactory to the board;

(f) has paid all dues owed by him to the Association;

(g) has produced satisfactory evidence of continued good character;

(h) has provided himself with a certified standard measure of length; and

(i) has taken and subscribed the prescribed oath.
R.S.O. 1960, c. 389, s. 21 (1), *amended*.

(2) The chairman of the board or any other member thereof who is designated by the board for the purpose may administer the oath mentioned in clause i of subsection 1. *New.*

18. The board shall upon application admit as a member of the Association any person who furnishes satisfactory proof that he, Surveyors
from other
jurisdictions

(a) is twenty-one years or more of age;

- (b) resides in Ontario or resides outside Ontario under the circumstances set out in subclause ii of clause *b* of subsection 1 of section 17;
- (c) is a member of an association of professional land surveyors in a jurisdiction other than Ontario that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario;
- (d) has received training and experience in professional land surveying satisfactory to the board;
- (e) has produced satisfactory evidence of good character;
- (f) has paid the prescribed fee;
- (g) has passed such examinations and served articles for such term as the board determines; and
- (h) has complied with clauses *h* and *i* of subsection 1 of section 17. R.S.O. 1960, c. 389, s. 24, *amended*.

Hearing
where
application
for member-
ship, etc.,
refused

19.—(1) Where an applicant for membership has met the academic and experience requirements, or an applicant for readmittance has paid the required dues and has passed any required examinations, and his application is refused, the board or the council, as the case may be, shall, upon the written request of the applicant received by the secretary within fifteen days of the receipt by the applicant of written notice of the refusal, conduct a hearing of the matter.

Conduct of
hearing

(2) Section 27 applies *mutatis mutandis* to any hearing conducted under this section except that upon any such hearing the board or the council, as the case may be, may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent men in the conduct of their own affairs. *New*.

Recovery
of dues

20.—(1) Any fee, assessment or levy payable under the by-laws shall be deemed to be a debt due to the Association and is recoverable with costs in the name of the Association in any court of competent jurisdiction. R.S.O. 1960, c. 389, s. 38 (1), *amended*.

Suspension
for non-
payment
of dues

(2) Where any fee, assessment or levy payable under the by-laws remains unpaid for a period of six months after the date upon which it became due, the secretary shall send a written notice of such default by prepaid mail to the defaulting member at his address shown on the roll and, if payment

is not made within one month thereafter, the council may direct the secretary to remove his name from the roll, and thereupon he ceases to be a member, but the council shall upon application readmit him if he,

(a) pays the amount of fees, assessments and levies that he would have owed if he had continued to be a member or such part thereof as the council deems just; and

(b) passes such examination as the council directs.
R.S.O. 1960, c. 389, s. 29, *amended*.

21. A member of the Association may resign from the Association upon giving written notice to the secretary and paying all dues owed by him to the Association. R.S.O. 1960, c. 389, s. 30 (2), *amended*. ^{Resignations}

22. Where a member of the Association has resigned from the Association, the board may upon application readmit him if he, ^{Re-admission to membership}

(a) pays the annual membership fee for the year; and

(b) passes such examination as the board directs.
R.S.O. 1960, c. 389, s. 30 (2), *part, amended*.

23. A member of the Association shall have a seal of the prescribed design, which shall contain his name and his registration number. *New*. ^{Seal}

24. The secretary shall issue a certificate of membership in the Association to each member who shall keep it prominently displayed in his place of business. R.S.O. 1960, c. 389, s. 21 (1), *part, amended*. ^{Certificate of membership}

25.—(1) Every member of the Association is entitled to engage in the practice of professional land surveying. *New*. ^{Right to practice}

(2) Every member of the Association is entitled to use the title "Ontario Land Surveyor" or the abbreviation "O.L.S.". R.S.O. 1960, c. 389, s. 34 (1), *part, amended*. ^{Right to use title}

PARTNERSHIPS, CORPORATIONS

26.—(1) No partnership, association of persons or corporation as such shall be a member or shall, except as authorized by this section, practise professional land surveying. ^{Practice prohibited by partnerships and corporations}

Certificates
of authoriza-
tion

(2) A partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional land surveying,

- (a) if one of its principal or customary functions is to engage in the practice of professional land surveying; and
- (b) if the practice of professional land surveying is done under the responsibility and supervision of a member of the partnership or the association of persons, a director of the corporation, or a full-time employee of the corporation, who in any case is a member of the Association; and
- (c) in the case of a corporation, if a majority of each class of its shares is owned by and registered in the name of one or more members of the Association.

Applications
for
certificates

(3) A partnership, association of persons or corporation that desires a certificate of authorization shall submit to the secretary an application in the prescribed form containing,

- (a) the names and addresses of all its partners, members, officers or directors, as the case may be;
- (b) the names of all its partners, its members in the case of associations of persons, its directors or full-time employees in the case of corporations, who are the members of the Association who will be in charge of professional land surveying on its behalf;
- (c) from among the names specified under clause *b* the name or names of its official representative or representatives whose duty it is to ensure that this Act, the regulations and the by-laws are complied with by the partnership, the association of persons or the corporation, as the case may be,

and shall, whenever there is a change in the particulars given in its application, give notice of the change to the secretary within thirty days after the effective date of the change.

Issue of
certificates

(4) If subsection 3 is complied with, the secretary shall issue to the applicant a certificate of authorization.

Ipso facto
revocation
of
certificate

(5) Where the holder of a certificate of authorization ceases to have any official representative, the certificate is *ipso facto* revoked, and the partnership, association of persons or corporation shall not practise professional land surveying until a new certificate of authorization is issued.

(6) Where the council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section or has been guilty of conduct that would, in the case of a member of the Association, have been professional misconduct, the council may reprimand the holder or suspend or revoke the certificate of authorization. ^{Reprimand of holder of certificate}

(7) Sections 19, 27 and 28 apply *mutatis mutandis* to the refusal to issue a certificate of authorization and to the revocation or suspension of a certificate of authorization. ^{Application of ss. 19, 27, 28}
New.

DISCIPLINE

27.—(1) Subject to subsection 2, where the council finds that a person who is a member of the Association is guilty of professional misconduct or has obtained admission as a member by reason of misrepresentation, the council may by order do one or more of the following: ^{Powers of council to discipline members}

1. Reprimand such person and, if considered proper, direct that the fact of the reprimand be recorded on the roll.
2. Suspend the membership of such person for such time as the council considers proper and direct that the reinstatement of such membership on the termination of such suspension be subject to such conditions, if any, as the council considers proper.
3. Direct that the imposition of any penalty be suspended or postponed for such period and upon such terms as the council considers proper and that at the end of such period and upon the compliance with such terms any penalty be remitted.
4. Direct that the membership of such person be cancelled and that the name of such person be removed from the roll.
5. Direct that the decision of the council be published in detail or in summary in such manner or medium as the council considers appropriate in any particular case.
6. Direct that, where it appears that the proceedings were unwarranted, such costs as to the council seem just be paid by the Association to the member whose conduct was the subject of such proceedings. R.S.O. 1960, c. 389, s. 36 (1), *amended*.

- Complaint and hearing (2) The council shall not take any action under subsection 1 unless,
- (a) a complaint under oath has been filed with the secretary and a copy thereof has been served on the person whose conduct is being investigated;
 - (b) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and
 - (c) the council has heard evidence of or on behalf of the complainant and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence or evidence on his behalf and has reached the decision that he is guilty.
- Power to take sworn evidence (3) Any person presiding at a hearing may administer oaths to witnesses and require them to give evidence under oath.
- Failure to appear (4) If the person whose conduct is being investigated fails to appear in answer to the notice at the time and place appointed, the hearing may be conducted in his absence.
- Disciplinary hearings to be held *in camera* (5) Hearings shall be held *in camera*, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the secretary before the day fixed for the hearing, the council may conduct the hearing in public or otherwise as it thinks proper.
- Adjournments (6) The council may adjourn any hearing at any time and from time to time.
- Attendance of persons being investigated (7) A person whose conduct is being investigated, if present in person at the hearing, has the right to be represented by counsel or agent, to adduce evidence and to make submissions and any such person may be compelled to attend and give evidence in the manner provided in subsection 10.
- Hearing of evidence
R.S.O. 1960, c. 125 (8) The oral evidence submitted at a hearing shall be taken down in writing or by any other method authorized by *The Evidence Act*.
- Rules of evidence (9) The rules of evidence applicable in civil proceedings are applicable at hearings, but at a hearing members of the council may take notice of generally recognized technical or scientific facts or opinions within the specialized knowledge of members of the council if the person whose conduct is being investigated has been informed before or during the hearing of any such matters noticed and he has been given an opportunity to contest the material so noticed. *New.*

(10) The president, the vice-president or the secretary may, ^{Summons to witness} and the secretary upon application of a person whose conduct is being investigated shall, issue a summons in the prescribed form commanding the attendance and examination of any person as a witness, and the production of any document the production of which could be compelled at the trial of an action, to appear before the council at the time and place mentioned in the summons and stating that failure to obey the summons will render the person liable to imprisonment on an application to the Supreme Court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

(11) If any person,

^{Failure of witness to appear, etc.}

- (a) on being duly summoned to appear as a witness makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required to be taken, or to produce any document in his power or control legally required to be produced by him, or to answer any question which he is legally required to answer; or
- (c) does any other thing which would, if the council had been a court of law having power to commit for contempt, have been contempt of that court,

the person presiding at the hearing may certify the offence of that person under his hand to the Supreme Court and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statements that may be offered in defence, punish or take steps for the punishment of that person in the like manner as if he had been guilty of contempt of court. R.S.O. 1960, c. 389, s. 37, *amended*.

(12) At a hearing the complainant and the person whose ^{Examination and cross-examination} conduct is being investigated have the right to examine the witnesses called by them respectively, and to cross-examine the witnesses opposed in interest.

(13) The decision taken after a hearing shall be in writing ^{Decisions} and shall contain or be accompanied by the reasons for the decision in which are set out the findings of fact and the conclusions of law, if any, based thereon, and a copy of the decision and the reasons therefor, together with a notice to the person whose conduct is being investigated of his right of appeal, shall be served upon him within thirty days after the date of the decision.

Record

(14) A record shall be compiled for every hearing consisting of the complaint and the notice referred to in subsection 2, any intermediate rulings or orders made in the course of the proceedings, a transcript of the oral evidence, if a transcript has been prepared, such documentary evidence and things as were received in evidence and the decision and the reasons therefor, provided that documents and things received in evidence may be released to the persons tendering them when all appeals have been finally disposed of or the right to appeal has terminated.

Service of documents

(15) Any document required to be served under this Act upon a person whose conduct is being investigated shall be served personally upon him, but where it appears that service cannot be effected personally, the document may be served by mailing a copy thereof in a registered letter addressed to him at his last known residence or office address as shown by the records of the Association, and service shall be effected not less than ten days before the date of the hearing or the event or thing required to be done, as the case may be, and proof by affidavit of the service is sufficient. *New.*

Re-instatement after suspension

(16) Where a member has been suspended from practising under this section, he may, upon payment of all dues owed by him to the Association, apply to the council to be reinstated as a member and the council may terminate the suspension of such member upon such terms as it considers proper.

Re-admission after expulsion

(17) A person whose membership has been cancelled under this section may apply to the council for membership and the council shall, subject to subsection 18, hear the application and make such order as it considers proper and may include as a term of any such order such conditions as the council considers proper to be fulfilled before the applicant is admitted to membership or to be observed by such member thereafter. R.S.O. 1960, c. 389, s. 36 (8), *amended.*

Idem

(18) Except with the consent of the council, no application under subsection 17 shall be heard before the expiry of two years from the date of the cancellation of membership or the date of the final disposition of any appeal.

Idem

(19) Upon a hearing for admission to membership under subsection 17, the council shall follow, in so far as is practicable, the procedure provided for in the case of a complaint under this section, and a former member has the same right of appeal from an order made by the council under subsection 17 as is provided in section 28.

Committee of council

(20) The council may appoint a committee to act for and on its behalf composed of not fewer than five members of the council, one of whom shall be the president or the vice-

president, and may delegate to the committee all or any of its powers and duties under this section upon such terms and conditions, if any, as the council considers proper, and a decision or order of the committee is the decision or order of the council. *New.*

(21) Except in the case of professional misconduct constituting incompetence on the part of the person whose conduct was investigated, the suspension or cancellation of the membership of a person whose conduct was investigated under this section does not become effective until any appeal has been finally disposed of or the right of appeal has terminated. R.S.O. 1960, c. 389, s. 36 (2), *amended*. Practice pending appeal

APPEALS

28.—(1) Any person who has been refused admittance or readmission to membership in the Association or who has been reprimanded or whose membership is suspended or cancelled may appeal from the order of refusal, reprimand, suspension or cancellation to the Court of Appeal within fifteen days from the day upon which he is served with the order of refusal, reprimand, suspension or cancellation. Appeal

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the secretary shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence by the board or council in dealing with and disposing of the matter complained of. Certified copies of papers

(3) If the appellant fails to pay the cost of the certified copy and the cost of such additional copies of the evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the secretary, the appeal shall be deemed to be abandoned. *New.* Failure to pay costs

(4) An appeal under this section shall be by motion, notice of which shall be served upon the secretary, and the record shall consist of a copy, certified by the secretary, of the proceedings before the board or council, the evidence taken, the report of the board or council and all decisions, findings and orders of the board or council in the matter. Procedure and record

(5) Except as otherwise provided, appeals under this section shall be in accordance with the practice in appeals from the decision or order of a judge of the Supreme Court. Practice

(6) Upon the hearing of an appeal under this section the Court of Appeal may make such order as the court deems proper or may refer the matter or any part thereof back to the Orders

board or council with such directions as the court deems proper.

Costs

(7) The Court of Appeal may make such order as to the costs of the appeal as the court deems proper. R.S.O. 1960, c. 389, s. 36 (3-7), *amended*.

OFFENCES

Offences,
persons

29.—(1) Every person, other than a member of the Association, who,

- (a) uses the title “Ontario Land Surveyor” or uses any addition to or abbreviation of such title, or uses the designation “surveyor” or any words, name or designation that will lead to the belief that he is a member of the Association;
- (b) advertises, holds himself out, or conducts himself in any way or by any means as a member of the Association; or
- (c) engages in the practice of professional land surveying,

is guilty of an offence.

Idem

(2) Every person who,

- (a) wilfully procures or attempts to procure admission to the Association for himself or for another person by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written;
- (b) wilfully procures or attempts to procure a certificate of authorization for a partnership, association of persons or corporation by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written; or
- (c) knowingly makes any false statement in any application, declaration or other document under this Act or the regulations,

is guilty of an offence.

Offences,
partner-
ships,
associations
and
corporations

(3) Where a partnership, association of persons or corporation that has no subsisting certificate of authorization,

- (a) practises professional land surveying;

- (b) uses any name, title, description or designation that will lead to the belief that it is entitled to practise professional land surveying; or
- (c) advertises, holds itself out or conducts itself in any way or in such manner as to lead to the belief that it is entitled to practise professional land surveying,

every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

(4) Where a partnership, association of persons or corporation that has a subsisting certificate of authorization practises professional land surveying in contravention of this Act, every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence. ^{Idem}

(5) Every person, member of a partnership, member of an association of persons, and every corporation and director thereof, who is guilty of an offence under this section is, on summary conviction, liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. ^{Penalties}

(6) No proceedings shall be commenced for a contravention of any of the provisions of this section after two years from the date of the commission of such contravention. ^{Limitation of proceedings} *New.*

30. No action or other proceedings for damages shall be instituted against the council or the board, or any member or official of the council or the board or any person appointed by the council or the board for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of any such duty or power. ^{Protection from actions} *New.*

TRANSITIONAL

31. Every member of the council in office immediately before this Act comes into force shall continue in office for the unexpired portion of his term. ^{Present members of council} *New.*

32. The Treasurer of Ontario and Minister of Economics shall cause to be delivered to the secretary all bonds on deposit with him under clause g of subsection 1 of section 21 of *The Surveyors Act*, being chapter 389 of the Revised Statutes of Ontario, 1960, or under any predecessor thereof. ^{Bonds}

Oaths

33. The Provincial Secretary and Minister of Citizenship shall cause to be delivered to the secretary all oaths on deposit with him under clause *i* of subsection 1 of section 21 of *The Surveyors Act*, being chapter 389 of the Revised Statutes of Ontario, 1960, or under any predecessor thereof.

MISCELLANEOUS

R.S.O. 1960,
c. 389,
repealed

34. *The Surveyors Act* is repealed.

Commence-
ment

35. This Act comes into force on the 1st day of January, 1970.

Short title

36. This Act may be cited as *The Surveyors Act, 1968-69*.

The Surveyors Act, 1968-69

1st Reading

April 17th, 1969

2nd Reading

May 14th, 1969

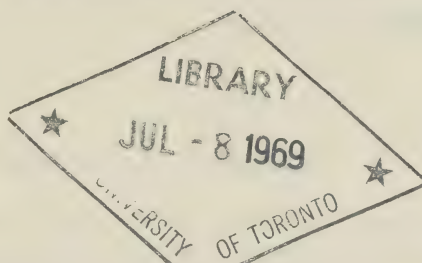
3rd Reading

MR. BRUNELLE

(*Reprinted as amended by
the Legal and Municipal Committee*)

BILL 122

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



The Surveyors Act, 1968-69

MR. BRUNELLE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 122

1968-69

The Surveyors Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "articles" means an agreement respecting training and service between a member of the Association and a student;
- (b) "Association" means The Association of Ontario Land Surveyors;
- (c) "board" means the board of examiners of the Association;
- (d) "by-law" means a by-law of the Association;
- (e) "council" means the council of the Association;
- (f) "professional land surveying" means the advising on, the reporting on, the supervising of or the conducting of surveys to establish, locate, define or describe the lines, boundaries or corners of parcels of land or land covered with water;
- (g) "regulation" means a regulation of the Association;
- (h) "secretary" means the secretary of the Association;
- (i) "student" means a student in professional land surveying. R.S.O. 1960, c. 389, s. 1, *amended*.

ASSOCIATION

Association
continued

2.—(1) The Association of Ontario Land Surveyors constituted a body corporate by section 3 of *The Ontario Land Surveyors Act*, being chapter 34 of the Statutes of Ontario, 1892, is continued as a body corporate. R.S.O. 1960, c. 389, s. 3 (1), *amended*.

Membership

(2) The members of the Association are the persons whose names are on the roll of the Association. R.S.O. 1960, c. 389, s. 3 (2), *amended*.

Objects

3. The objects of the Association are,

- (a) to regulate the practice of professional land surveying and to govern the profession in accordance with this Act, the regulations and the by-laws;
- (b) to establish and maintain standards of knowledge and skill among its members; and
- (c) to establish and maintain standards of professional ethics among its members,

in order that the public interest may be served and protected.
New.

Head office

4. The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in Ontario as is designated by the regulations. *New.*

Property

5. The Association may purchase, acquire or take by gift, devise or bequest for the purposes of the Association and the furtherance of its objects, but for no other purposes or objects, any real or personal property, and may sell, mortgage, lease or otherwise dispose of any such property. R.S.O. 1960, c. 389, ss. 5, 7, *amended*.

COUNCIL

Council

6.—(1) There shall be a council of the Association, which shall consist of,

- (a) the Minister of Lands and Forests or his appointee;
- (b) the Surveyor General; and
- (c) a president, a vice-president and six elected councillors. R.S.O. 1960, c. 389, s. 6 (1), *amended*.

(2) No person shall be elected as a member of the council unless he is a resident of Ontario and a paid-up member of the Association. R.S.O. 1960, c. 389, s. 10 (2), *amended*. Qualifications of elected members of council

(3) No person shall vote in an election of a member of the council unless he is a member of the Association. R.S.O. 1960, c. 389, s. 14 (1), *amended*. Qualifications of electors

(4) The president and vice-president shall be elected annually by secret ballot and two of the six elected councillors shall be elected annually for a term of three years by secret ballot. R.S.O. 1960, c. 389, s. 10 (1), *amended*. Term of office

(5) In addition to the members of the council mentioned in subsection 1, the Lieutenant Governor in Council may appoint as councillors for a term of three years, Lay councillor; legal councillor

(a) a resident of Ontario who is not a member of the Association; and

(b) a resident of Ontario who is a barrister and solicitor of at least ten years standing at the bar of Ontario.

(6) Where the president, vice-president or a councillor ceases to be a member of the Association, is absent from three consecutive meetings of the council, resigns as a member of the council, becomes incapacitated or dies, the office may be declared vacant by the council, and, if such office should be declared vacant, except in a case of a councillor appointed by the Lieutenant Governor in Council, the council shall fill the vacancy by the appointment of a person qualified to be elected as a member of the council, and in the case of a vacancy in the office of a councillor appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may fill the vacancy by appointment of a person of the same class as the councillor causing the vacancy. R.S.O. 1960, c. 389, s. 17, *amended*. Vacancies

(7) No person shall be appointed or elected as a member of the council unless he is a Canadian citizen or other British subject and a person shall cease to be a member of the council if he ceases to be so qualified. *New*. Canadian citizen

7.—(1) The council shall appoint a secretary from among the members of the Association. R.S.O. 1960, c. 389, s. 6 (2), *part, amended*. Secretary

(2) The secretary may also be appointed as the treasurer. *Idem New*.

Roll

(3) In addition to his prescribed duties, the secretary shall maintain and keep for inspection in his office a roll in alphabetical order of the names and the addresses of the members of the Association and shall assign to each member a registration number. R.S.O. 1960, c. 389, s. 30 (1), *amended*.

Evidence of
entry on
the roll

8. A statement in writing as to the membership or non-membership of any person in the Association purporting to be certified by the secretary is, without proof of office or signature of the secretary, receivable in evidence and constitutes *prima facie* proof of the facts stated therein for all purposes. R.S.O. 1960, c. 389, s. 31 (2, 3), *amended*.

Treasurer

9.—(1) The council may appoint a treasurer and such other officials as it deems fit.

Books of
account

(2) In addition to his prescribed duties, the treasurer shall enter in the books to be kept for the purpose a true account of all moneys received and paid by him. R.S.O. 1960, c. 389, s. 39, *amended*.

Regulations

10.—(1) The council may make regulations respecting any matter that is outside the scope of the power to pass by-laws specified in section 11, and, without limiting the generality of the foregoing,

- (a) respecting the government and discipline of members of the Association and students;
- (b) respecting the examination of applicants for admission as students, fixing the terms of articles and providing for the reduction of such terms by reason of educational standing or experience, and respecting the examination of students and applicants for membership in the Association;
- (c) prescribing the form of the summons referred to in subsection 10 of section 27;
- (d) respecting the practice and procedure for hearings held under this Act;
- (e) defining "professional misconduct" for the purposes of this Act and the regulations;
- (f) requiring the bonding of members of the Association or any class thereof, prescribing the collateral security for and terms, conditions and form of bonds, and providing for their forfeiture and the disposition of the proceeds;

- (g) designating a place in Ontario other than The Municipality of Metropolitan Toronto as the head office of the Association.

(2) No regulation is effective,

Approvals

- (a) until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time; and
- (b) until it has been approved by the Lieutenant Governor in Council. *New.*

11.—(1) The council may pass by-laws relating to the administrative and domestic affairs of the Association, and, without limiting the generality of the foregoing,

- (a) governing the nomination, election and taking office of members of the council and providing procedures for determining disputes in connection therewith;
- (b) fixing the remuneration and reimbursement of members of the council and the members of the board and the examiners;
- (c) providing for the appointment of committees of the council and defining their composition and functions;
- (d) providing for the calling of meetings of the Association, the council and committees thereof and of the board, fixing the quorums, and governing the procedure for such meetings;
- (e) respecting the management of the property of the Association;
- (f) providing for the borrowing of money on the credit of the Association and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Association to secure any money borrowed or other debt or any other obligation or liability of the Association;
- (g) respecting the application of the funds of the Association, and the investment and reinvestment of any of its funds not immediately required in any investments that may from time to time be authorized

R.S.O. 1960,
c. 71

investments for joint stock insurance companies and cash mutual insurance corporations under *The Corporations Act*;

- (h) providing for the establishment of scholarships, bursaries and prizes;
- (i) respecting the keeping of records by the Association, the council and the board;
- (j) providing for services to encourage and assist members of the Association in the development of their professional competence and conduct and in carrying on the practice of professional land surveying;
- (k) fixing and providing for levying and collecting or remitting annual and other fees, levies and assessments;
- (l) providing for the appointment and privileges of inactive or honorary members of the Association who shall be deemed not to be members of the Association for the purposes of this Act;
- (m) prescribing the duties of the secretary, the treasurer and any other officials;
- (n) prescribing the design of seals of members of the Association and providing for their use;
- (o) prescribing oaths, providing for their use and designating a depository for them;
- (p) prescribing forms and providing for their use;
- (q) respecting all other things that are deemed necessary or convenient for the attainment of the objects of the Association and the efficient conduct of its business. R.S.O. 1960, s. 389, s. 8 (1), *part, amended*.

Approval

(2) No by-law is effective until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose, or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time. R.S.O. 1960, c. 389, s. 8 (2), *amended*.

(3) The by-laws shall be interpreted as though they formed ^{Interpre-} part of this Act. *New.* ^{tation}

12.—(1) The council shall prepare and publish from time ^{Code of} to time a code of ethics containing standards of conduct ^{ethics} designed for the protection of the public, which standards members of the Association must subscribe to and follow in the practice of professional land surveying.

(2) Copies of the code of ethics shall be sent to the members ^{Copies} of the Association and shall be available free of charge to members of the public who apply therefor. *New.*

BOARD

13.—(1) The board shall consist of, ^{Composi-} ^{tion of} ^{board of} ^{examiners}

(a) a member of the council appointed by the council who shall be the chairman of the board;

(b) four members of the Association appointed by the council who shall hold office for a term of three years;

(c) two persons appointed by the Lieutenant Governor in Council who shall hold office for a term of three years; and

(d) the secretary. R.S.O. 1960, c. 389, s. 19 (1), *amended.*

(2) Where a member of the board resigns, dies or becomes ^{Vacancies} unable to act before his term has expired, the authority that appointed him may appoint another person under subsection 1 to complete the unexpired portion of the term. R.S.O. 1960, c. 389, s. 19 (3), *amended.*

(3) Where the chairman of the board is unable to attend ^{Acting} a meeting of the board, he shall designate a member of the ^{chairman} board to act as chairman for the meeting. *New.*

(4) The board, with the approval of the council, may ^{Examiners} appoint one or more competent persons to assist the board in any of the subjects of examination. R.S.O. 1960, c. 389, s. 19 (5), *amended.*

(5) Each member of the board and any person appointed ^{Oaths} under subsection 4 shall take and subscribe the prescribed oath before a person authorized by law to administer oaths.

Meetings (6) The board shall hold at least one meeting in each year. R.S.O. 1960, c. 389, s. 20 (1), *amended*.

STUDENTS

Qualifications of students **14.**—(1) No person shall be a student unless,

(a) he holds a certificate of educational standing required for admission to a course in civil engineering in a university in Ontario or evidence of an educational standing that in the opinion of the board is the equivalent thereof;

(b) he passes such of the prescribed examinations as are required by the board; and

(c) his articles are approved by the board. R.S.O. 1960, c. 389, s. 22, *amended*.

Application to be student (2) An application to be a student shall be made to the secretary and shall be accompanied by evidence satisfactory to the board of the applicant's educational standing, two references as to his good character, and his articles. *New*.

Stale articles (3) No articles that have been executed for more than thirty days shall be submitted under subsection 2.

Registration (4) When an application under this section is approved by the board, the secretary shall register the applicant as a student and notify the parties to the articles by mail of the registration. R.S.O. 1960, c. 389, s. 27, *amended*.

Transfer of articles **15.**—(1) A member of the Association who is a party to articles may, with the consent of the student and the approval of the council, transfer the articles to another member of the Association.

Idem (2) Upon cause being shown to the council, the council may transfer articles from one member of the Association to another member. R.S.O. 1960, c. 389, s. 26, *amended*.

MEMBERS

Existing members **16.** Every person who is a member of the Association on the 31st day of December, 1969, shall be entered on the roll under this Act. *New*.

New members **17.**—(1) The board shall upon application admit as a member of the Association a student who,

(a) is twenty-one or more years of age;

(b) resides,

(i) in Ontario,

(ii) outside Ontario and is employed for an indefinite period as a full-time employee of an employer having works or facilities in Ontario and is required by the terms of his employment to practise professional land surveying in respect of such works or facilities or has a place of employment in Ontario and proposes to practise professional land surveying in Ontario on a full-time basis;

(c) has faithfully and regularly served his term of articles, serving one-half of the term in actual survey work in the field and has filed with the secretary at the close of each year of service a record of his training, certified by the member of the Association to whom he was articulated;

(d) has, not more than one year before the completion of his articles, passed such of the prescribed examinations as are required by the board;

(e) has received training and experience in professional land surveying satisfactory to the board;

(f) has paid all dues owed by him to the Association;

(g) has produced satisfactory evidence of continued good character;

(h) has provided himself with a certified standard measure of length; and

(i) has taken and subscribed the prescribed oath.
R.S.O. 1960, c. 389, s. 21 (1), *amended*.

(2) The chairman of the board or any other member thereof who is designated by the board for the purpose may administer the oath mentioned in clause *i* of subsection 1. *New.*

18. The board shall upon application admit as a member of the Association any person who furnishes satisfactory proof that he, ^{Surveyors from other jurisdictions}

(a) is twenty-one years or more of age;

- (b) resides in Ontario or resides outside Ontario under the circumstances set out in subclause ii of clause *b* of subsection 1 of section 17;
- (c) is a member of an association of professional land surveyors in a jurisdiction other than Ontario that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario;
- (d) has received training and experience in professional land surveying satisfactory to the board;
- (e) has produced satisfactory evidence of good character;
- (f) has paid the prescribed fee;
- (g) has passed such examinations and served articles for such term as the board determines; and
- (h) has complied with clauses *h* and *i* of subsection 1 of section 17. R.S.O. 1960, c. 389, s. 24, *amended*.

Hearing
where
application
for member-
ship, etc.,
refused

19.—(1) Where an applicant for membership has met the academic and experience requirements, or an applicant for readmittance has paid the required dues and has passed any required examinations, and his application is refused, the board or the council, as the case may be, shall, upon the written request of the applicant received by the secretary within fifteen days of the receipt by the applicant of written notice of the refusal, conduct a hearing of the matter.

Conduct of
hearing

(2) Section 27 applies *mutatis mutandis* to any hearing conducted under this section except that upon any such hearing the board or the council, as the case may be, may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent men in the conduct of their own affairs. *New*.

Recovery
of dues

20.—(1) Any fee, assessment or levy payable under the by-laws shall be deemed to be a debt due to the Association and is recoverable with costs in the name of the Association in any court of competent jurisdiction. R.S.O. 1960, c. 389, s. 38 (1), *amended*.

Suspension
for non-
payment
of dues

(2) Where any fee, assessment or levy payable under the by-laws remains unpaid for a period of six months after the date upon which it became due, the secretary shall send a written notice of such default by prepaid mail to the defaulting member at his address shown on the roll and, if payment

is not made within one month thereafter, the council may direct the secretary to remove his name from the roll, and thereupon he ceases to be a member, but the council shall upon application readmit him if he,

- (a) pays the amount of fees, assessments and levies that he would have owed if he had continued to be a member or such part thereof as the council deems just; and
- (b) passes such examination as the council directs. R.S.O. 1960, c. 389, s. 29, *amended*.

21. A member of the Association may resign from the Association upon giving written notice to the secretary and paying all dues owed by him to the Association. R.S.O. 1960, c. 389, s. 30 (2), *amended*. ^{Resignations}

22. Where a member of the Association has resigned from the Association, the board may upon application readmit him if he, ^{Re-admission to membership}

- (a) pays the annual membership fee for the year; and
- (b) passes such examination as the board directs. R.S.O. 1960, c. 389, s. 30 (2), *part, amended*.

23. A member of the Association shall have a seal of the prescribed design, which shall contain his name and his registration number. *New*. ^{Seal}

24. The secretary shall issue a certificate of membership in the Association to each member who shall keep it prominently displayed in his place of business. R.S.O. 1960, c. 389, s. 21 (1), *part, amended*. ^{Certificate of membership}

25.—(1) Every member of the Association is entitled to engage in the practice of professional land surveying. *New*. ^{Right to practise}

(2) Every member of the Association is entitled to use the title "Ontario Land Surveyor" or the abbreviation "O.L.S.". R.S.O. 1960, c. 389, s. 34 (1), *part, amended*. ^{Right to use title}

PARTNERSHIPS, CORPORATIONS

26.—(1) No partnership, association of persons or corporation as such shall be a member or shall, except as authorized by this section, practise professional land surveying. ^{Practice prohibited by partnerships and corporations}

Certificates
of authoriza-
tion

(2) A partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional land surveying,

- (a) if one of its principal or customary functions is to engage in the practice of professional land surveying; and
- (b) if the practice of professional land surveying is done under the responsibility and supervision of a member of the partnership or the association of persons, a director of the corporation, or a full-time employee of the corporation, who in any case is a member of the Association; and
- (c) in the case of a corporation, if a majority of each class of its shares is owned by and registered in the name of one or more members of the Association.

Applications
for
certificates

(3) A partnership, association of persons or corporation that desires a certificate of authorization shall submit to the secretary an application in the prescribed form containing,

- (a) the names and addresses of all its partners, members, officers or directors, as the case may be;
- (b) the names of all its partners, its members in the case of associations of persons, its directors or full-time employees in the case of corporations, who are the members of the Association who will be in charge of professional land surveying on its behalf;
- (c) from among the names specified under clause *b* the name or names of its official representative or representatives whose duty it is to ensure that this Act, the regulations and the by-laws are complied with by the partnership, the association of persons or the corporation, as the case may be,

and shall, whenever there is a change in the particulars given in its application, give notice of the change to the secretary within thirty days after the effective date of the change.

Issue of
certificates

(4) If subsection 3 is complied with, the secretary shall issue to the applicant a certificate of authorization.

Ipso facto
revocation
of
certificate

(5) Where the holder of a certificate of authorization ceases to have any official representative, the certificate is *ipso facto* revoked, and the partnership, association of persons or corporation shall not practise professional land surveying until a new certificate of authorization is issued.

(6) Where the council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section or has been guilty of conduct that would, in the case of a member of the Association, have been professional misconduct, the council may reprimand the holder or suspend or revoke the certificate of authorization. ^{Reprimand of holder of certificate}

(7) Sections 19, 27 and 28 apply *mutatis mutandis* to the refusal to issue a certificate of authorization and to the revocation or suspension of a certificate of authorization. ^{Application of ss. 19, 27, 28}
New.

DISCIPLINE

27.—(1) Subject to subsection 2, where the council finds that a person who is a member of the Association is guilty of professional misconduct or has obtained admission as a member by reason of misrepresentation, the council may by order do one or more of the following: ^{Powers of council to discipline members}

1. Reprimand such person and, if considered proper, direct that the fact of the reprimand be recorded on the roll.
2. Suspend the membership of such person for such time as the council considers proper and direct that the reinstatement of such membership on the termination of such suspension be subject to such conditions, if any, as the council considers proper.
3. Direct that the imposition of any penalty be suspended or postponed for such period and upon such terms as the council considers proper and that at the end of such period and upon the compliance with such terms any penalty be remitted.
4. Direct that the membership of such person be cancelled and that the name of such person be removed from the roll.
5. Direct that the decision of the council be published in detail or in summary in such manner or medium as the council considers appropriate in any particular case.
6. Direct that, where it appears that the proceedings were unwarranted, such costs as to the council seem just be paid by the Association to the member whose conduct was the subject of such proceedings. R.S.O. 1960, c. 389, s. 36 (1), *amended*.

Complaint
and hearing

(2) The council shall not take any action under subsection 1 unless,

- (a) a complaint under oath has been filed with the secretary and a copy thereof has been served on the person whose conduct is being investigated;
- (b) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and
- (c) the council has heard evidence of or on behalf of the complainant and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence or evidence on his behalf and has reached the decision that he is guilty.

Power to
take sworn
evidence

(3) Any person presiding at a hearing may administer oaths to witnesses and require them to give evidence under oath.

Failure
to appear

(4) If the person whose conduct is being investigated fails to appear in answer to the notice at the time and place appointed, the hearing may be conducted in his absence.

Disciplinary
hearings to
be held
in camera

(5) Hearings shall be held *in camera*, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the secretary before the day fixed for the hearing, the council may conduct the hearing in public or otherwise as it thinks proper.

Adjourn-
ments

(6) The council may adjourn any hearing at any time and from time to time.

Attendance
of persons
being in-
vestigated

(7) A person whose conduct is being investigated, if present in person at the hearing, has the right to be represented by counsel or agent, to adduce evidence and to make submissions and any such person may be compelled to attend and give evidence in the manner provided in subsection 10.

Hearing of
evidence
R.S.O. 1960,
c. 125

(8) The oral evidence submitted at a hearing shall be taken down in writing or by any other method authorized by *The Evidence Act*.

Rules of
evidence

(9) The rules of evidence applicable in civil proceedings are applicable at hearings, but at a hearing members of the council may take notice of generally recognized technical or scientific facts or opinions within the specialized knowledge of members of the council if the person whose conduct is being investigated has been informed before or during the hearing of any such matters noticed and he has been given an opportunity to contest the material so noticed. *New.*

(10) The president, the vice-president or the secretary may, ^{Summons to witness} and the secretary upon application of a person whose conduct is being investigated shall, issue a summons in the prescribed form commanding the attendance and examination of any person as a witness, and the production of any document the production of which could be compelled at the trial of an action, to appear before the council at the time and place mentioned in the summons and stating that failure to obey the summons will render the person liable to imprisonment on an application to the Supreme Court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

(11) If any person,

^{Failure of witness to appear, etc.}

- (a) on being duly summoned to appear as a witness makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required to be taken, or to produce any document in his power or control legally required to be produced by him, or to answer any question which he is legally required to answer; or
- (c) does any other thing which would, if the council had been a court of law having power to commit for contempt, have been contempt of that court,

the person presiding at the hearing may certify the offence of that person under his hand to the Supreme Court and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statements that may be offered in defence, punish or take steps for the punishment of that person in the like manner as if he had been guilty of contempt of court. R.S.O. 1960, c. 389, s. 37, *amended*.

(12) At a hearing the complainant and the person whose ^{Examination and cross-examination} conduct is being investigated have the right to examine the witnesses called by them respectively, and to cross-examine the witnesses opposed in interest.

(13) The decision taken after a hearing shall be in writing ^{Decisions} and shall contain or be accompanied by the reasons for the decision in which are set out the findings of fact and the conclusions of law, if any, based thereon, and a copy of the decision and the reasons therefor, together with a notice to the person whose conduct is being investigated of his right of appeal, shall be served upon him within thirty days after the date of the decision.

Record

(14) A record shall be compiled for every hearing consisting of the complaint and the notice referred to in subsection 2, any intermediate rulings or orders made in the course of the proceedings, a transcript of the oral evidence, if a transcript has been prepared, such documentary evidence and things as were received in evidence and the decision and the reasons therefor, provided that documents and things received in evidence may be released to the persons tendering them when all appeals have been finally disposed of or the right to appeal has terminated.

Service of documents

(15) Any document required to be served under this Act upon a person whose conduct is being investigated shall be served personally upon him, but where it appears that service cannot be effected personally, the document may be served by mailing a copy thereof in a registered letter addressed to him at his last known residence or office address as shown by the records of the Association, and service shall be effected not less than ten days before the date of the hearing or the event or thing required to be done, as the case may be, and proof by affidavit of the service is sufficient. *New.*

Re-instatement after suspension

(16) Where a member has been suspended from practising under this section, he may, upon payment of all dues owed by him to the Association, apply to the council to be reinstated as a member and the council may terminate the suspension of such member upon such terms as it considers proper.

Re-admission after expulsion

(17) A person whose membership has been cancelled under this section may apply to the council for membership and the council shall, subject to subsection 18, hear the application and make such order as it considers proper and may include as a term of any such order such conditions as the council considers proper to be fulfilled before the applicant is admitted to membership or to be observed by such member thereafter. R.S.O. 1960, c. 389, s. 36 (8), *amended*.

Idem

(18) Except with the consent of the council, no application under subsection 17 shall be heard before the expiry of two years from the date of the cancellation of membership or the date of the final disposition of any appeal.

Idem

(19) Upon a hearing for admission to membership under subsection 17, the council shall follow, in so far as is practicable, the procedure provided for in the case of a complaint under this section, and a former member has the same right of appeal from an order made by the council under subsection 17 as is provided in section 28.

Committee of council

(20) The council may appoint a committee to act for and on its behalf composed of not fewer than five members of the council, one of whom shall be the president or the vice-

president, and may delegate to the committee all or any of its powers and duties under this section upon such terms and conditions, if any, as the council considers proper, and a decision or order of the committee is the decision or order of the council. *New.*

(21) Except in the case of professional misconduct constituting incompetence on the part of the person whose conduct was investigated, the suspension or cancellation of the membership of a person whose conduct was investigated under this section does not become effective until any appeal has been finally disposed of or the right of appeal has terminated. R.S.O. 1960, c. 389, s. 36 (2), *amended*. Practice pending appeal

APPEALS

28.—(1) Any person who has been refused admittance or re-admission to membership in the Association or who has been reprimanded or whose membership is suspended or cancelled may appeal from the order of refusal, reprimand, suspension or cancellation to the Court of Appeal within fifteen days from the day upon which he is served with the order of refusal, reprimand, suspension or cancellation. Appeal

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the secretary shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence by the board or council in dealing with and disposing of the matter complained of. Certified copies of papers

(3) If the appellant fails to pay the cost of the certified copy and the cost of such additional copies of the evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the secretary, the appeal shall be deemed to be abandoned. *New.* Failure to pay costs

(4) An appeal under this section shall be by motion, notice of which shall be served upon the secretary, and the record shall consist of a copy, certified by the secretary, of the proceedings before the board or council, the evidence taken, the report of the board or council and all decisions, findings and orders of the board or council in the matter. Procedure and record

(5) Except as otherwise provided, appeals under this section shall be in accordance with the practice in appeals from the decision or order of a judge of the Supreme Court. Practice

(6) Upon the hearing of an appeal under this section the Court of Appeal may make such order as the court deems proper or may refer the matter or any part thereof back to the Orders

board or council with such directions as the court deems proper.

Costs

(7) The Court of Appeal may make such order as to the costs of the appeal as the court deems proper. R.S.O. 1960, c. 389, s. 36 (3-7), *amended*.

OFFENCES

**Offences,
persons**

29.—(1) Every person, other than a member of the Association, who,

- (a) uses the title "Ontario Land Surveyor" or uses any addition to or abbreviation of such title, or uses the designation "surveyor" or any words, name or designation that will lead to the belief that he is a member of the Association;
- (b) advertises, holds himself out, or conducts himself in any way or by any means as a member of the Association; or
- (c) engages in the practice of professional land surveying,

is guilty of an offence.

Idem

(2) Every person who,

- (a) wilfully procures or attempts to procure admission to the Association for himself or for another person by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written;
- (b) wilfully procures or attempts to procure a certificate of authorization for a partnership, association of persons or corporation by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written; or
- (c) knowingly makes any false statement in any application, declaration or other document under this Act or the regulations,

is guilty of an offence.

**Offences,
partner-
ships,
associations
and
corporations**

(3) Where a partnership, association of persons or corporation that has no subsisting certificate of authorization,

- (a) practises professional land surveying;

- (b) uses any name, title, description or designation that will lead to the belief that it is entitled to practise professional land surveying; or
- (c) advertises, holds itself out or conducts itself in any way or in such manner as to lead to the belief that it is entitled to practise professional land surveying,

every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

(4) Where a partnership, association of persons or corporation that has a subsisting certificate of authorization practises professional land surveying in contravention of this Act, every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence. ^{Idem}

(5) Every person, member of a partnership, member of an association of persons, and every corporation and director thereof, who is guilty of an offence under this section is, on summary conviction, liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. ^{Penalties}

(6) No proceedings shall be commenced for a contravention of any of the provisions of this section after two years from the date of the commission of such contravention. ^{Limitation of proceedings} *New.*

30. No action or other proceedings for damages shall be instituted against the council or the board, or any member or official of the council or the board or any person appointed by the council or the board for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of any such duty or power. ^{Protection from actions} *New.*

TRANSITIONAL

31. Every member of the council in office immediately before this Act comes into force shall continue in office for the unexpired portion of his term. ^{Present members of council} *New.*

32. The Treasurer of Ontario and Minister of Economics shall cause to be delivered to the secretary all bonds on deposit with him under clause g of subsection 1 of section 21 of *The Surveyors Act*, being chapter 389 of the Revised Statutes of Ontario, 1960, or under any predecessor thereof. ^{Bonds}

Oaths

33. The Provincial Secretary and Minister of Citizenship shall cause to be delivered to the secretary all oaths on deposit with him under clause *i* of subsection 1 of section 21 of *The Surveyors Act*, being chapter 389 of the Revised Statutes of Ontario, 1960, or under any predecessor thereof.

MISCELLANEOUS

R.S.O. 1960,
c. 389,
repealed

34. *The Surveyors Act* is repealed.

Commence-
ment

35. This Act comes into force on the 1st day of January, 1970.

Short title

36. This Act may be cited as *The Surveyors Act, 1968-69*.

1st Reading

April 17th, 1969

2nd Reading

May 14th, 1969

3rd Reading

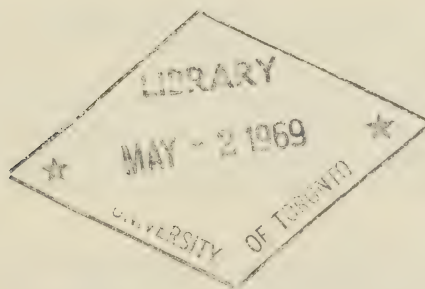
June 6th, 1969

MR. BRUNELLE

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Division Courts Act

MR. WISHART



EXPLANATORY NOTES

SECTIONS 1, 2, 3, 9, 10 and 11. The amendments abolish juries in division court actions.

BILL 123

1968-69

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55 of *The Division Courts Act* is amended by striking out "Except in actions in which a jury is demanded as hereinafter provided" in the first and second lines, so that the section shall read as follows: R.S.O. 1960, c. 110, s. 55, amended

55. The judge shall hear and determine in a summary way all questions of law and fact and may make such order or judgment as appears to him just and agreeable to equity and good conscience, which shall be final and conclusive between the parties, except as herein otherwise provided. Summary hearings

2. Section 94 of *The Division Courts Act* is amended by striking out "whether it is being tried with or without a jury" in the first and second lines, so that the section shall read as follows: R.S.O. 1960, c. 110, s. 94, amended

94. The judge may adjourn the trial of an action to permit either party to summon witnesses or to produce further proof, or to serve or give any notice necessary to enable him to enter more fully into his case or for any cause that the judge thinks reasonable, upon such conditions as to payment of costs and admission of evidence, or otherwise, as to him seem just. Judge may adjourn hearing of cause

3. Subsection 1 of section 114a of *The Division Courts Act*, as enacted by section 4 of *The Division Courts Amendment Act, 1961-62*, is amended by striking out "either with or without a jury" in the second line, so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 114a, (1961-62, c. 35, s. 4), subs. 1, amended

(1) Where the judge before whom an action is tried dies before giving judgment, or having reserved his judgment after having heard the evidence does not deliver Rehearing

judgment within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order directing that the action be reheard by such judge as he designates.

R.S.O. 1960,
c. 110, s. 130,
subs. 4, cl. b,
amended

4. Clause *b* of subsection 4 of section 130 of *The Division Courts Act* is amended by striking out "or that he has rendered himself liable to be committed to jail under this Act" in the fifth and sixth lines, so that the clause shall read as follows:

- (b) in the case of a second or subsequent summons, that the deponent believes that the judgment debtor sought to be examined is able to pay the amount due in respect of the judgment or some part thereof.

R.S.O. 1960,
c. 110, s. 131,
subs. 3,
re-enacted;
subss. 4, 5,
repealed

5. Subsections 3, 4 and 5 of section 131 of *The Division Courts Act* are repealed and the following substituted therefor:

Variation
of order

- (3) Where the circumstances of the debtor have changed, the judge may vary the order made under section 130.

R.S.O. 1960,
c. 110, s. 132,
re-enacted

6. Section 132 of *The Division Courts Act* is repealed and the following substituted therefor:

Committal
for
contempt

132. If the party summoned,

- (a) does not attend as required by the summons, or at any subsequent date to which the hearing or examination is adjourned, or give a sufficient reason for not attending; or
- (b) attends and refuses to be sworn or to answer such questions as in the opinion of the judge are proper,

the judge may order him to be committed to the jail of the county in which he resides or carries on business, for any period not exceeding forty days.

R.S.O. 1960,
c. 110, s. 136,
subs. 1,
amended

7. Subsection 1 of section 136 of *The Division Courts Act* is amended by striking out "upon which shall be endorsed a memorandum of the amount due under the judgment" in the fourth and fifth lines, so that the subsection shall read as follows:

Warrant of
commitment

- (1) Where an order of commitment has been made, the clerk shall issue, under the seal of the court, a warrant of commitment directed to the bailiff of any court in the county and the bailiff may, by virtue of the

SECTIONS 4, 5, 6, 7 and 8. The amendments abolish the committal of judgment debtors to prison for wilful default in making the payments ordered by the judge.

SECTION 12—Subsection 1. The provisions abolishing committal orders apply to those issued before this Act comes into force.

Subsection 2. The provisions abolishing juries do not apply where jury notices have been served before this Act comes into force.

warrant, take the party and deliver him to the keeper of the jail in which he has been directed to be imprisoned.

8. Section 140 of *The Division Courts Act* is repealed. R.S.O. 1960,
c. 110, s. 140,
repealed

9. Section 186, as amended by section 2 of *The Division Courts Amendment Act, 1962-63*, sections 187, 188, 189, 190, 191, 192, 193, 194 and 195, and section 196, as amended by section 5 of *The Division Courts Amendment Act, 1968*, of *The Division Courts Act* are repealed. R.S.O. 1960,
c. 110,
ss. 186-196,
repealed

10. Subsection 2 of section 207 of *The Division Courts Act* is repealed. R.S.O. 1960,
c. 110, s. 207,
subs. 2,
repealed

11. Sections 212 and 213 of *The Division Courts Act* are repealed. R.S.O. 1960,
c. 110,
ss. 212, 213,
repealed

12.—(1) All orders of committal issued under clause *c*, *d* or *e* of section 132 of *The Division Courts Act* as it existed before this Act comes into force shall be deemed to be discharged and of no effect on and after the day upon which this Act comes into force. Application
re orders of
committal

(2) Sections 1, 2, 3, 9, 10 and 11 of this Act do not apply in respect of an action in which notice has been given to the clerk of a division court under subsection 2 or 3 of section 186 of *The Division Courts Act* as it existed before this Act comes into force. Application
re juries

13. This Act comes into force on the day it receives Royal Assent. Commence-
ment

14. This Act may be cited as *The Division Courts Amendment Act, 1968-69*. Short title

An Act to amend
The Division Courts Act

1st Reading

April 17th, 1969

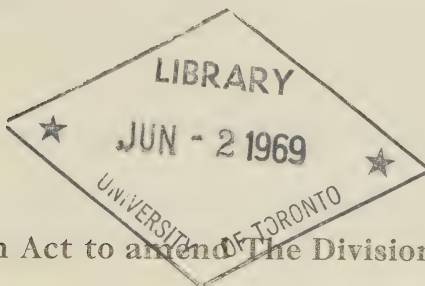
2nd Reading

3rd Reading

MR. WISHART

BILL 123

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Division Courts Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 123

1968-69

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55 of *The Division Courts Act* is amended by striking out "Except in actions in which a jury is demanded as hereinafter provided" in the first and second lines, so that the section shall read as follows: R.S.O. 1960, c. 110, s. 55, amended

55. The judge shall hear and determine in a summary Summary hearings way all questions of law and fact and may make such order or judgment as appears to him just and agreeable to equity and good conscience, which shall be final and conclusive between the parties, except as herein otherwise provided.

2. Section 94 of *The Division Courts Act* is amended by striking out "whether it is being tried with or without a jury" in the first and second lines, so that the section shall read as follows: R.S.O. 1960, c. 110, s. 94, amended

94. The judge may adjourn the trial of an action to Judge may adjourn hearing of cause permit either party to summon witnesses or to produce further proof, or to serve or give any notice necessary to enable him to enter more fully into his case or for any cause that the judge thinks reasonable, upon such conditions as to payment of costs and admission of evidence, or otherwise, as to him seem just.

3. Subsection 1 of section 114a of *The Division Courts Act*, R.S.O. 1960, c. 110, s. 114a (1961-62, c. 35, s. 4), subs. 1, amended as enacted by section 4 of *The Division Courts Amendment Act, 1961-62*, is amended by striking out "either with or without a jury" in the second line, so that the subsection shall read as follows:

(1) Where the judge before whom an action is tried dies Rehearing before giving judgment, or having reserved his judgment after having heard the evidence does not deliver

judgment within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order directing that the action be reheard by such judge as he designates.

R.S.O. 1960, c. 110, s. 130, subs. 4, cl. b, amended
4. Clause *b* of subsection 4 of section 130 of *The Division Courts Act* is amended by striking out "or that he has rendered himself liable to be committed to jail under this Act" in the fifth and sixth lines, so that the clause shall read as follows:

- (b) in the case of a second or subsequent summons, that the deponent believes that the judgment debtor sought to be examined is able to pay the amount due in respect of the judgment or some part thereof.

R.S.O. 1960, c. 110, s. 131, subs. 3, re-enacted; subs. 4, 5, repealed
5. Subsections 3, 4 and 5 of section 131 of *The Division Courts Act* are repealed and the following substituted therefor:

- Variation of order (3) Where the circumstances of the debtor have changed, the judge may vary the order made under section 130.

R.S.O. 1960, c. 110, s. 132, re-enacted
6. Section 132 of *The Division Courts Act* is repealed and the following substituted therefor:

- Committal for contempt 132. If the party summoned,
- (a) does not attend as required by the summons, or at any subsequent date to which the hearing or examination is adjourned, or give a sufficient reason for not attending; or
 - (b) attends and refuses to be sworn or to answer such questions as in the opinion of the judge are proper,

the judge may order him to be committed to the jail of the county in which he resides or carries on business, for any period not exceeding forty days.

R.S.O. 1960, c. 110, s. 136, subs. 1, amended
7. Subsection 1 of section 136 of *The Division Courts Act* is amended by striking out "upon which shall be endorsed a memorandum of the amount due under the judgment" in the fourth and fifth lines, so that the subsection shall read as follows:

- Warrant of commitment (1) Where an order of commitment has been made, the clerk shall issue, under the seal of the court, a warrant of commitment directed to the bailiff of any court in the county and the bailiff may, by virtue of the

warrant, take the party and deliver him to the keeper of the jail in which he has been directed to be imprisoned.

8. Section 140 of *The Division Courts Act* is repealed. R.S.O. 1960,
c. 110, s. 140,
repealed

9. Section 186, as amended by section 2 of *The Division Courts Amendment Act, 1962-63*, sections 187, 188, 189, 190, 191, 192, 193, 194 and 195, and section 196, as amended by section 5 of *The Division Courts Amendment Act, 1968*, of *The Division Courts Act* are repealed. R.S.O. 1960,
c. 110,
ss. 186-196,
repealed

10. Subsection 2 of section 207 of *The Division Courts Act* is repealed. R.S.O. 1960,
c. 110, s. 207,
subs. 2,
repealed

11. Sections 212 and 213 of *The Division Courts Act* are repealed. R.S.O. 1960,
c. 110,
ss. 212, 213,
repealed

12.—(1) All orders of committal issued under clause *c*, *d* or *e* of section 132 of *The Division Courts Act* as it existed before this Act comes into force shall be deemed to be discharged and of no effect on and after the day upon which this Act comes into force. Application
re orders of
committal

(2) Sections 1, 2, 3, 9, 10 and 11 of this Act do not apply in respect of an action in which notice has been given to the clerk of a division court under subsection 2 or 3 of section 186 of *The Division Courts Act* as it existed before this Act comes into force. Application
re juries

13. This Act comes into force on the day it receives Royal Assent. Commence-
ment

14. This Act may be cited as *The Division Courts Amendment Act, 1968-69*. Short title

An Act to amend
The Division Courts Act

1st Reading

April 17th, 1969

2nd Reading

April 30th, 1969

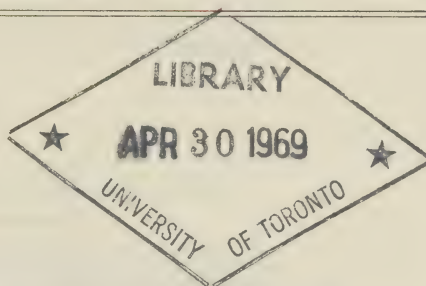
3rd Reading

May 9th, 1969

MR. WISHART

BILL 124

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Legal Aid Act, 1966**

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

GENERAL. The purpose of these amendments is to tighten up the Act in the light of the experience gained since March 29, 1967, when the Act came into operation, in order to effect reductions in the cost of operating the system and to improve its administrative practices.

SECTION 1—Subsections 1 and 4. The terminology is brought up to date.

Subsection 2. The intent is clarified.

Subsection 3. This definition is new.

SECTION 2. This new clause is designed to clarify the authority of the Law Society to repay out of the Fund any contribution made by an applicant in excess of the cost of the legal aid furnished.

SECTION 3—Subsection 1. The intent is clarified.

BILL 124

1968-69

An Act to amend The Legal Aid Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Legal Aid Act, 1966* is amended<sup>1966, c. 80,
s. 1,
amended</sup> by adding thereto the following clause:

(ba) “assessment officer” means an officer of the Department of Social and Family Services who is designated by the Minister of Social and Family Services as an assessment officer for the purposes of this Act.

(2) Clause *c* of the said section 1 is amended by adding at<sup>1966, c. 80,
s. 1, cl. c,
amended</sup> the end thereof “other than an honorary member or a student member thereof”, so that the clause shall read as follows:

(c) “barrister and solicitor” means a member of the Law Society other than an honorary member or a student member thereof.

(3) The said section 1 is amended by adding thereto the<sup>1966, c. 80,
s. 1,
amended</sup> following clause:

(ka) “student legal aid society” means a student legal aid society established in accordance with the regulations.

(4) Clause *m* of the said section 1 is repealed.

<sup>1966, c. 80,
s. 1, cl. m,
repealed</sup>

2. Subsection 2 of section 5 of *The Legal Aid Act, 1966* is<sup>1966, c. 80,
s. 5, subs. 2,
amended</sup> amended by adding thereto the following clause:

(ba) any refund authorized by this Act of any contribution to the Fund.

3.—(1) Section 12 of *The Legal Aid Act, 1966* is amended<sup>1966, c. 80,
s. 12,
amended</sup> by striking out “Except where otherwise provided in this Act, a certificate shall be issued to a person entitled thereto

in respect of any proceeding or proposed proceeding" in the first, second and third lines and inserting in lieu thereof "Except as otherwise provided in this Act or the regulations, a certificate shall be issued to a person otherwise entitled thereto in respect of any proceeding or proposed proceeding", so that the section, exclusive of the clauses, shall read as follows:

Where legal aid may be given

12. Except as otherwise provided in this Act or the regulations, a certificate shall be issued to a person otherwise entitled thereto in respect of any proceeding or proposed proceeding,

1966, c. 80,
s. 12,
amended

- (2) The said section 12 is further amended by adding thereto the following subsection:

Assumption

- (2) For the purpose of clause *d* of subsection 1 an offence that may be tried on indictment or on summary conviction shall be deemed to be an offence triable on summary conviction until such time as the prosecution elects to proceed on indictment.

1966, c. 80,
s. 13, cl. *a*,
re-enacted

- 4.—(1) Clause *a* of section 13 of *The Legal Aid Act, 1966* is repealed and the following substituted therefor:

(*a*) in any summary conviction proceeding under,

(i) an Act of the Parliament of Canada or of the Legislature of Ontario, or

R.S.O. 1960,
c. 98

(ii) a by-law of a municipality as defined in *The Department of Municipal Affairs Act* or of a metropolitan or regional municipality or local board thereof,

if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood.

1966, c. 80,
s. 13, cl. *b*,
subcl. iii,
re-enacted

- (2) Subclause iii of clause *b* of the said section 13 is repealed and the following substituted therefor:

(iii) before a quasi-judicial or administrative board or commission otherwise than in an appeal thereto,

1966, c. 80,
s. 13, cl. *b*,
amended

- (3) Clause *b* of the said section 13 is amended by adding thereto the following subclause:

Subsection 2. The effect of this amendment is to give an area director discretion to refuse a certificate for those criminal offences, such as impaired driving, where the prosecutor has the choice of proceeding by indictment or on a charge punishable by summary conviction and does not elect to proceed by indictment.

SECTION 4—Subsection 1. Subclause ii of clause *a* is new. This extends the authority of area directors so that they may issue certificates for violations of municipal by-laws in the circumstances described.

Subsection 2. The purpose of this amendment is to exclude from this section appeals to quasi-judicial or administrative boards as they come within section 14 of the Act and require the approval of the area committee as do all other appeals.

Subsection 3. This adds contempt of court as a subject matter for which a legal aid certificate may be issued in the discretion of the area director.

SECTION 5. The types of proceedings in which legal aid may be given with the approval of the area legal aid committee are extended.

SECTION 6. Sections 16, 17 and 18 of the present Act are re-arranged in a more logical sequence.

The words added to section 16 (1) "or in which the occurrence for which legal aid is required took place" are self-explanatory.

The exception in section 16 (2) is new.

The terminology in section 16 (3) is brought up to date.

Section 16 (4) is new.

Section 16 (5) is updated as to terminology and brought into line with subsection 6.

Section 16 (6). Complementary changes only.

Section 16 (7, 8, 9). No changes.

Section 16 (10). The further appeal is new.

Section 16 (11). This provision is new.

Section 17 (1). No change.

Section 17 (2). The scope is widened to include settlements as well as judgments, etc.

Section 17 (3). This new subsection extends the charge for costs to property, other than money, recovered by a person who has had legal aid.

Section 17 (4). This new subsection clarifies the authority of the Law Society to refund from the Fund contributions of a person who has had legal aid where such contributions and other recoveries by the Fund exceed the costs of the legal aid.

Section 18 (formerly s. 16). No change.

(v) for contempt of court; or

5. Clause *b* of subsection 1 of section 14 of *The Legal Aid Act, 1966* is amended by inserting after "of" in the first line "mandamus, quo warranto", so that the clause shall read as follows: ^{1966, c. 80, s. 14, subs. 1, cl. b, amended}

(b) in a proceeding by way of mandamus, quo warranto, certiorari, motion to quash, habeas corpus, or prohibition; and

6. Sections 16, 17 and 18 of *The Legal Aid Act, 1966* are repealed and the following substituted therefor: ^{1966, c. 80, ss. 16-18, re-enacted}

16.—(1) Every application for legal aid shall be made in the prescribed form addressed to the area director of the area in which the applicant resides at the time the application is made or in which the occurrence for which legal aid is required took place. ^{Applications}

(2) Except where the legal aid for which an application is made is estimated by the area director to whom the application is made to cost not more than \$60 and he after investigation is satisfied that the applicant can pay no part thereof, every application for legal aid shall be referred by the area director to an assessment officer for a report as to whether the applicant can pay no part, some part, or the whole of the cost of the legal aid applied for. ^{Reference to assessment officer}

(3) The assessment officer to whom an application is referred shall consider the income, disposable capital, indebtedness, requirements of persons dependent on the applicant, and such other circumstances as he deems to be relevant that are disclosed in the application or that he ascertains after investigation, and he shall report to the area director as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for and the sum, if any, the applicant is able to contribute towards the cost thereof. ^{Function of assessment officer}

(4) Every assessment officer is in the performance of his duties under this Act a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. ^{Oaths R.S.O. 1960, c. 59}

When
certificate
may issue

- (5) Subject to subsections 2 and 6 and whether or not a provisional certificate has been issued, the area director may issue a certificate only when he has received the report of the assessment officer and only where in the opinion of the area director the issue of a certificate is justified.

Provisional
certificate
in excep-
tional cases

- (6) Where in the opinion of the area director the circumstances of an application require the issue of a certificate immediately, he may issue a provisional certificate without having first received the report of the assessment officer.

Terms and
conditions

- (7) An area director in issuing a certificate or provisional certificate may impose such terms and conditions as he deems proper.

Cancellation

- (8) An area director may at any time cancel any certificate or provisional certificate issued by him.

Applications
of non-
residents

- (9) An application for legal aid by a person not ordinarily resident in Ontario shall be disposed of by the Director.

Appeals

- (10) An appeal lies to the area committee from the refusal of the area director to issue a certificate or from a cancellation of a certificate and a further appeal lies to the Director at the instance of the area director from the decision of the area committee allowing an appeal under this subsection.

Certificate
upon request
of court

- (11) The Director may issue a certificate to an appellant or respondent in a criminal appeal where the Supreme Court of Canada or the Court of Appeal for Ontario is of the opinion that it is desirable in the interests of justice that the appellant or respondent should be represented and has requested that counsel be appointed and the Director is satisfied that the appellant or respondent has not sufficient means to employ counsel.

Recovery of
contribu-
tions

- 17.—(1) The sum that a person is able to contribute towards the cost of legal aid given to him as set out in his certificate shall be paid by him and is a debt owing to the Law Society and may be recovered in any court of competent jurisdiction.

Charge on
sum
recovered

- (2) Where a person who has been given legal aid in any matter recovers any sum in respect of such matter under a judgment, order, settlement or otherwise,

SECTION 7. The section is simplified and brought into line with administrative practices.

SECTION 8. The provision is extended to include students and to prohibit all forms of "payment" other than those authorized.

SECTION 9. This section is new. It is intended to extend to an applicant for legal aid a solicitor and client privilege with respect to communications between him on the one hand and employees of the Legal Aid Plan and assessment officers of the Department of Social and Family Services on the other hand.

the costs payable under this Act and the regulations are a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund.

- (3) Where a person who has been given legal aid in any matter recovers property other than money, the Law Society has a charge against the property so recovered for the costs payable under this Act and the regulations and may enforce such charge. Charge on property recovered

- (4) A person who has been given legal aid in any matter shall be refunded any money received or recovered by the Fund for costs in excess of such costs. Refunds

18. Any costs paid or payable to a person to whom legal aid has been given under this Act are the property of the Law Society and shall be paid into the Fund. Disposition of costs

7. Section 21 of *The Legal Aid Act, 1966* is repealed and the following substituted therefor: 1966, c. 80, s. 21, re-enacted

21. Every barrister and solicitor who provides professional services under this Act shall be paid out of the Fund an amount equal to three-fourths of the fees for services rendered as determined by the regulations and an amount equal to his proper out-of-pocket disbursements in the matter in which legal aid was given. Payment for professional services

8. Subsection 1 of section 22 of *The Legal Aid Act, 1966* is amended by inserting after "solicitor" in the second line "or student" and by inserting after "payment" in the third line "or other benefit", so that the subsection shall read as follows: 1966, c. 80, s. 22, subs. 1, amended

- (1) Except in accordance with this Act and the regulations, no barrister and solicitor or student shall take or receive any payment or other benefit in respect of any professional services provided by him under this Act or the regulations. Authorized payments only

9. *The Legal Aid Act, 1966* is amended by adding thereto the following section: 1966, c. 80, amended

- 23a. All communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, on the one hand, and an applicant for or a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications. Privileged communications

1966, c. 80,
s. 24, subs. 1,
cl. a,
amended

10.—(1) Clause *a* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out “duties” in the first line and inserting in lieu thereof “functions”, so that the clause shall read as follows:

- (a) prescribing the functions of the Director, the area directors and other persons employed for the purposes of this Act.

1966, c. 80,
s. 24, subs. 1,
cl. e,
amended

(2) Clause *e* of subsection 1 of the said section 24 is amended by striking out “area legal aid” in the first line, so that the clause shall read as follows:

- (e) providing for committees, their composition and organization, and prescribing their functions.

1966, c. 80,
s. 24, subs. 1,
amended

(3) Subsection 1 of the said section 24 is amended by adding thereto the following clause:

- (fa) respecting the participation of students in legal aid.

1966, c. 80,
s. 24, subs. 1,
cl. l,
re-enacted

(4) Clause *l* of subsection 1 of the said section 24 is repealed and the following substituted therefor:

- (l) prescribing oaths of office and secrecy and requiring persons, or any class thereof, engaged in the administration of this Act to take and subscribe such oaths or either of them;
- (la) respecting the non-disclosure of information furnished by or about an applicant for or recipient of legal aid;
- (lb) providing for the settlement, recovery and payment into the Fund of costs and other moneys due to the Fund.

1966, c. 80,
s. 24,
amended

(5) The said section 24 is amended by adding thereto the following subsection:

Application
of regulation

- (3) A regulation may be limited in its scope and may be retroactive in its operation.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Legal Aid Amendment Act, 1968-69*.

SECTION 10—Subsection 1. The change in wording is designed to clarify the intent.

Subsection 2. The scope of the authority is widened in order that committees, in addition to area legal aid committees, may be established.

Subsection 3. The clause is new. The word “student” is defined in section 1 of the Act as being a person who is enrolled in the Bar Admission Course or in any law course approved by the Law Society of Upper Canada.

Subsection 4. Clauses *l* and *la* are new. They will authorize regulations to be made on the matters mentioned in order to improve the administration of the Act.

Clause *lb* is enlarged to specifically provide for the making of a regulation respecting the settlement of costs awarded to a person who has been given legal aid.

Subsection 5. This authority will enable the scope of regulations to be controlled.

An Act to amend
The Legal Aid Act, 1966

1st Reading

April 17th, 1969

2nd Reading

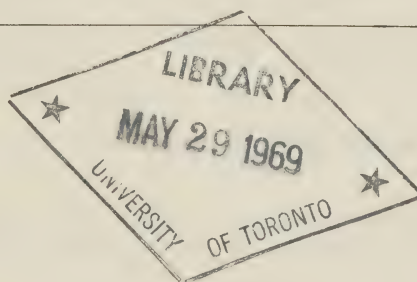
3rd Reading

MR. WISHART

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Legal Aid Act, 1966

MR. WISHART



(Reprinted as amended by the Legal and Municipal Committee)

EXPLANATORY NOTES

GENERAL. The purpose of these amendments is to tighten up the Act in the light of the experience gained since March 29, 1967, when the Act came into operation, in order to effect reductions in the cost of operating the system and to improve its administrative practices.

SECTION 1—Subsections 1 and 4. The terminology is brought up to date.

Subsection 2. The intent is clarified.

Subsection 3. This definition is new.

SECTION 2. This new clause is designed to clarify the authority of the Law Society to repay out of the Fund any contribution made by an applicant in excess of the cost of the legal aid furnished.

SECTION 3. The amendment permits a judge of the Court of Appeal to be appointed to the advisory committee on legal aid.

BILL 124

1968-69

An Act to amend The Legal Aid Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Legal Aid Act, 1966* is amended <sup>1966, c. 80,
s. 1,
amended</sup> by adding thereto the following clause:

(ba) “assessment officer” means an officer of the Department of Social and Family Services who is designated by the Minister of Social and Family Services as an assessment officer for the purposes of this Act.

(2) Clause *c* of the said section 1 is amended by adding at <sup>1966, c. 80,
s. 1, cl. *c*,
amended</sup> the end thereof “other than an honorary member or a student member thereof”, so that the clause shall read as follows:

(c) “barrister and solicitor” means a member of the Law Society other than an honorary member or a student member thereof.

(3) The said section 1 is amended by adding thereto the <sup>1966, c. 80,
s. 1,
amended</sup> following clause:

(ka) “student legal aid society” means a student legal aid society established in accordance with the regulations.

(4) Clause *m* of the said section 1 is repealed.

<sup>1966, c. 80,
s. 1, cl. *m*,
repealed</sup>

2. Subsection 2 of section 5 of *The Legal Aid Act, 1966* is <sup>1966, c. 80,
s. 5, subs. 2,
amended</sup> amended by adding thereto the following clause:

(ba) any refund authorized by this Act of any contribution to the Fund.

3. Clause *a* of subsection 1 of section 9 of *The Legal Aid Act, 1966* is amended by striking out “High Court” and <sup>1966, c. 80,
s. 9, subs. 1,
cl. *a*,
amended</sup> inserting in lieu thereof “Supreme Court”, so that the clause shall read as follows:

(a) a judge of the Supreme Court.

1966, c. 80,
s. 12,
amended

4.—(1) Section 12 of *The Legal Aid Act, 1966* is amended by striking out “Except where otherwise provided in this Act, a certificate shall be issued to a person entitled thereto in respect of any proceeding or proposed proceeding” in the first, second and third lines and inserting in lieu thereof “Except as otherwise provided in this Act or the regulations, a certificate shall be issued to a person otherwise entitled thereto in respect of any proceeding or proposed proceeding”, so that the section, exclusive of the clauses, shall read as follows:

Where legal
aid may be
given

12. Except as otherwise provided in this Act or the regulations, a certificate shall be issued to a person otherwise entitled thereto in respect of any proceeding or proposed proceeding,

.

1966, c. 80,
s. 12,
amended

(2) The said section 12 is further amended by adding thereto the following subsection:

Assumption

(2) For the purpose of clause *d* of subsection 1 an offence that may be tried on indictment or on summary conviction shall be deemed to be an offence triable on summary conviction until such time as the prosecution elects to proceed on indictment.

1966, c. 80,
s. 13, cl. *a*,
re-enacted

5.—(1) Clause *a* of section 13 of *The Legal Aid Act, 1966* is repealed and the following substituted therefor:

(a) in any summary conviction proceeding under,

(i) an Act of the Parliament of Canada or of the Legislature of Ontario, or

R.S.O. 1960,
c. 98

(ii) a by-law of a municipality as defined in *The Department of Municipal Affairs Act* or of a metropolitan or regional municipality or local board thereof,

if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood.

1966, c. 80,
s. 13, cl. *b*,
subcl. iii,
re-enacted

(2) Subclause iii of clause *b* of the said section 13 is repealed and the following substituted therefor:

(iii) before a quasi-judicial or administrative board or commission otherwise than in an appeal thereto,

.

1966, c. 80,
s. 13, cl. *b*,
amended

(3) Clause *b* of the said section 13 is amended by adding thereto the following subclause:

SECTION 4—Subsection 1. The intent is clarified.

Subsection 2. The effect of this amendment is to give an area director discretion to refuse a certificate for those criminal offences, such as impaired driving, where the prosecutor has the choice of proceeding by indictment or on a charge punishable by summary conviction and does not elect to proceed by indictment.

SECTION 5—Subsection 1. Subclause ii of clause *a* is new. This extends the authority of area directors so that they may issue certificates for violations of municipal by-laws in the circumstances described.

Subsection 2. The purpose of this amendment is to exclude from this section appeals to quasi-judicial or administrative boards as they come within section 14 of the Act and require the approval of the area committee as do all other appeals.

Subsection 3. This adds contempt of court as a subject matter for which a legal aid certificate may be issued in the discretion of the area director.

SECTION 6. The types of proceedings in which legal aid may be given with the approval of the area legal aid committee are extended.

SECTION 7. Sections 16, 17 and 18 of the present Act are re-arranged in a more logical sequence.

The words added to section 16 (1) "or in which the occurrence for which legal aid is required took place" are self-explanatory.

The exception in section 16 (2) is new.

The terminology in section 16 (3) is brought up to date.

Section 16 (4) is new.

Section 16 (5) is updated as to terminology and brought into line with subsection 6.

Section 16 (6). Complementary changes only.

Section 16 (7, 8, 9). No changes.

Section 16 (10). The further appeal is new.

Section 16 (11). This provision is new.

Section 17 (1). No change.

Section 17 (2). The scope is widened to include settlements as well as judgments, etc.

Section 17 (3). This new subsection extends the charge for costs to property, other than money, recovered by a person who has had legal aid.

Section 17 (4). This new subsection clarifies the authority of the Law Society to refund from the Fund contributions of a person who has had legal aid where such contributions and other recoveries by the Fund exceed the costs of the legal aid.

Section 18 (formerly s. 16). No change.

(v) for contempt of court; or

.

6. Clause *b* of subsection 1 of section 14 of *The Legal Aid Act, 1966* is amended by inserting after "of" in the first line "mandamus, quo warranto", so that the clause shall read as follows: ^{1966, c. 80, s. 14, subs. 1, cl. b, amended}

- (b) in a proceeding by way of mandamus, quo warranto, certiorari, motion to quash, habeas corpus, or prohibition; and

.

7. Sections 16, 17 and 18 of *The Legal Aid Act, 1966* are repealed and the following substituted therefor: ^{1966, c. 80, ss. 16-18, re-enacted}

- 16.—(1) Every application for legal aid shall be made in the prescribed form addressed to the area director of the area in which the applicant resides at the time the application is made or in which the occurrence for which legal aid is required took place. ^{Applications}
- (2) Except where the legal aid for which an application is made is estimated by the area director to whom the application is made to cost not more than \$60 and he after investigation is satisfied that the applicant can pay no part thereof, every application for legal aid shall be referred by the area director to an assessment officer for a report as to whether the applicant can pay no part, some part, or the whole of the cost of the legal aid applied for. ^{Reference to assessment officer}
- (3) The assessment officer to whom an application is referred shall consider the income, disposable capital, indebtedness, requirements of persons dependent on the applicant, and such other circumstances as he deems to be relevant that are disclosed in the application or that he ascertains after investigation, and he shall report to the area director as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for and the sum, if any, the applicant is able to contribute towards the cost thereof. ^{Function of assessment officer}
- (4) Every assessment officer is in the performance of his duties under this Act a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. ^{Oaths R.S.O. 1960, c. 59}

When
certificate
may issue

- (5) Subject to subsections 2 and 6 and whether or not a provisional certificate has been issued, the area director may issue a certificate only when he has received the report of the assessment officer and only where in the opinion of the area director the issue of a certificate is justified.

Provisional
certificate
in excep-
tional cases

- (6) Where in the opinion of the area director the circumstances of an application require the issue of a certificate immediately, he may issue a provisional certificate without having first received the report of the assessment officer.

Terms and
conditions

- (7) An area director in issuing a certificate or provisional certificate may impose such terms and conditions as he deems proper.

Cancellation

- (8) An area director may at any time cancel any certificate or provisional certificate issued by him.

Applications
of non-
residents

- (9) An application for legal aid by a person not ordinarily resident in Ontario shall be disposed of by the Director.

Appeals

- (10) An appeal lies to the area committee from the refusal of the area director to issue a certificate or from a cancellation of a certificate and a further appeal lies to the Director at the instance of the area director from the decision of the area committee allowing an appeal under this subsection.

Certificate
upon request
of court

- (11) The Director may issue a certificate to an appellant or respondent in a criminal appeal where the Supreme Court of Canada or the Court of Appeal for Ontario is of the opinion that it is desirable in the interests of justice that the appellant or respondent should be represented and has requested that counsel be appointed and the Director is satisfied that the appellant or respondent has not sufficient means to employ counsel.

Recovery of
contribu-
tions

- 17.—(1) The sum that a person is able to contribute towards the cost of legal aid given to him as set out in his certificate shall be paid by him and is a debt owing to the Law Society and may be recovered in any court of competent jurisdiction.

Charge on
sum
recovered

- (2) Where a person who has been given legal aid in any matter recovers any sum in respect of such matter under a judgment, order, settlement or otherwise,

SECTION 8. The section is simplified and brought into line with administrative practices.

SECTION 9. The provision is extended to include students and to prohibit all forms of "payment" other than those authorized.

SECTION 10. This section is new. It is intended to extend to an applicant for legal aid a solicitor and client privilege with respect to communications between him on the one hand and employees of the Legal Aid Plan and assessment officers of the Department of Social and Family Services on the other hand.

the costs payable under this Act and the regulations are a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund.

- (3) Where a person who has been given legal aid in any matter recovers property other than money, the Law Society has a charge against the property so recovered for the costs payable under this Act and the regulations and may enforce such charge. Charge on property recovered

- (4) A person who has been given legal aid in any matter shall be refunded any money received or recovered by the Fund for costs in excess of such costs. Refunds

18. Any costs paid or payable to a person to whom legal aid has been given under this Act are the property of the Law Society and shall be paid into the Fund. Disposition of costs

8. Section 21 of *The Legal Aid Act, 1966* is repealed and the following substituted therefor: 1966, c. 80, s. 21, re-enacted

21. Every barrister and solicitor who provides professional services under this Act shall be paid out of the Fund an amount equal to three-fourths of the fees for services rendered as determined by the regulations and an amount equal to his proper out-of-pocket disbursements in the matter in which legal aid was given. Payment for professional services

9. Subsection 1 of section 22 of *The Legal Aid Act, 1966* is amended by inserting after "solicitor" in the second line "or student" and by inserting after "payment" in the third line "or other benefit", so that the subsection shall read as follows: 1966, c. 80, s. 22, subs. 1, amended

- (1) Except in accordance with this Act and the regulations, no barrister and solicitor or student shall take or receive any payment or other benefit in respect of any professional services provided by him under this Act or the regulations. Authorized payments only

10. *The Legal Aid Act, 1966* is amended by adding thereto the following section: 1966, c. 80, amended

- 23a. All communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, on the one hand, and an applicant for or a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications. Privileged communications

1966, c. 80,
s. 24, subs. 1,
cl. a,
amended

11.—(1) Clause *a* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out “duties” in the first line and inserting in lieu thereof “functions”, so that the clause shall read as follows:

- (a) prescribing the functions of the Director, the area directors and other persons employed for the purposes of this Act.

1966, c. 80,
s. 24, subs. 1,
cl. e,
amended

(2) Clause *e* of subsection 1 of the said section 24 is amended by striking out “area legal aid” in the first line, so that the clause shall read as follows:

- (e) providing for committees, their composition and organization, and prescribing their functions.

1966, c. 80,
s. 24, subs. 1,
amended

(3) Subsection 1 of the said section 24 is amended by adding thereto the following clause:

- (fa) respecting the participation of students in legal aid.

1966, c. 80,
s. 24, subs. 1,
cl. l,
re-enacted

(4) Clause *l* of subsection 1 of the said section 24 is repealed and the following substituted therefor:

- (l) prescribing oaths of office and secrecy and requiring persons, or any class thereof, engaged in the administration of this Act to take and subscribe such oaths or either of them;
- (la) respecting the non-disclosure of information furnished by or about an applicant for or recipient of legal aid;
- (lb) providing for the settlement, recovery and payment into the Fund of costs and other moneys due to the Fund.

1966, c. 80,
s. 24,
amended

(5) The said section 24 is amended by adding thereto the following subsection:

Application
of regulation

- (3) A regulation may be limited in its scope and may be retroactive in its operation.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Legal Aid Amendment Act, 1968-69*.

SECTION 11—Subsection 1. The change in wording is designed to clarify the intent.

Subsection 2. The scope of the authority is widened in order that committees, in addition to area legal aid committees, may be established.

Subsection 3. The clause is new. The word “student” is defined in section 1 of the Act as being a person who is enrolled in the Bar Admission Course or in any law course approved by the Law Society of Upper Canada.

Subsection 4. Clauses *l* and *la* are new. They will authorize regulations to be made on the matters mentioned in order to improve the administration of the Act.

Clause *lb* is enlarged to specifically provide for the making of a regulation respecting the settlement of costs awarded to a person who has been given legal aid.

Subsection 5. This authority will enable the scope of regulations to be controlled.

An Act to amend
The Legal Aid Act, 1966

1st Reading

April 17th, 1969

2nd Reading

April 30th, 1969

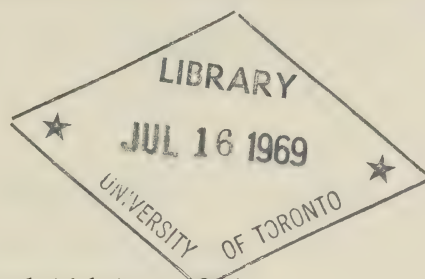
3rd Reading

MR. WISHART

(Reprinted as amended by
the Legal and Municipal Committee)

BILL 124

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Legal Aid Act, 1966

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 124

1968-69

An Act to amend The Legal Aid Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Legal Aid Act, 1966* is amended<sup>1966, c. 80,
s. 1,
amended</sup> by adding thereto the following clause:

(ba) “assessment officer” means an officer of the Department of Social and Family Services who is designated by the Minister of Social and Family Services as an assessment officer for the purposes of this Act.

(2) Clause *c* of the said section 1 is amended by adding at<sup>1966, c. 80,
s. 1, cl. *c*,
amended</sup> the end thereof “other than an honorary member or a student member thereof”, so that the clause shall read as follows:

(c) “barrister and solicitor” means a member of the Law Society other than an honorary member or a student member thereof.

(3) The said section 1 is amended by adding thereto the<sup>1966, c. 80,
s. 1,
amended</sup> following clause:

(ka) “student legal aid society” means a student legal aid society established in accordance with the regulations.

(4) Clause *m* of the said section 1 is repealed.<sup>1966, c. 80,
s. 1, cl. *m*,
repealed</sup>

2. Subsection 2 of section 5 of *The Legal Aid Act, 1966* is<sup>1966, c. 80,
s. 5, subs. 2,
amended</sup> amended by adding thereto the following clause:

(ba) any refund authorized by this Act of any contribution to the Fund.

3. Clause *a* of subsection 1 of section 9 of *The Legal Aid Act, 1966* is amended by striking out “High Court” and<sup>1966, c. 80,
s. 9, subs. 1,
cl. *a*,
amended</sup> inserting in lieu thereof “Supreme Court”, so that the clause shall read as follows:

(a) a judge of the Supreme Court.

1966, c. 80,
s. 12,
amended

4.—(1) Section 12 of *The Legal Aid Act, 1966* is amended by striking out "Except where otherwise provided in this Act, a certificate shall be issued to a person entitled thereto in respect of any proceeding or proposed proceeding" in the first, second and third lines and inserting in lieu thereof "Except as otherwise provided in this Act or the regulations, a certificate shall be issued to a person otherwise entitled thereto in respect of any proceeding or proposed proceeding", so that the section, exclusive of the clauses, shall read as follows:

Where legal
aid may be
given

12. Except as otherwise provided in this Act or the regulations, a certificate shall be issued to a person otherwise entitled thereto in respect of any proceeding or proposed proceeding,

.

1966, c. 80,
s. 12,
amended

(2) The said section 12 is further amended by adding thereto the following subsection:

Assumption

(2) For the purpose of clause *d* of subsection 1 an offence that may be tried on indictment or on summary conviction shall be deemed to be an offence triable on summary conviction until such time as the prosecution elects to proceed on indictment.

1966, c. 80,
s. 13, cl. *a*,
re-enacted

5.—(1) Clause *a* of section 13 of *The Legal Aid Act, 1966* is repealed and the following substituted therefor:

(a) in any summary conviction proceeding under,

(i) an Act of the Parliament of Canada or of the Legislature of Ontario, or

R.S.O. 1960,
o. 98

(ii) a by-law of a municipality as defined in *The Department of Municipal Affairs Act* or of a metropolitan or regional municipality or local board thereof,

if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood.

1966, c. 80,
s. 13, cl. *b*,
subcl. iii,
re-enacted

(2) Subclause iii of clause *b* of the said section 13 is repealed and the following substituted therefor:

(iii) before a quasi-judicial or administrative board or commission otherwise than in an appeal thereto,

.

1966, c. 80,
s. 13, cl. *b*,
amended

(3) Clause *b* of the said section 13 is amended by adding thereto the following subclause:

(v) for contempt of court; or

.

6. Clause *b* of subsection 1 of section 14 of *The Legal Aid Act, 1966* is amended by inserting after "of" in the first line "mandamus, quo warranto", so that the clause shall read as follows:

1966, c. 80,
s. 14, subs. 1,
cl. b,
amended

- (b) in a proceeding by way of mandamus, quo warranto, certiorari, motion to quash, habeas corpus, or prohibition; and

.

7. Sections 16, 17 and 18 of *The Legal Aid Act, 1966* are repealed and the following substituted therefor:

1966, c. 80,
ss. 16-18,
re-enacted

16.—(1) Every application for legal aid shall be made in the prescribed form addressed to the area director of the area in which the applicant resides at the time the application is made or in which the occurrence for which legal aid is required took place.

Applications

(2) Except where the legal aid for which an application is made is estimated by the area director to whom the application is made to cost not more than \$60 and he after investigation is satisfied that the applicant can pay no part thereof, every application for legal aid shall be referred by the area director to an assessment officer for a report as to whether the applicant can pay no part, some part, or the whole of the cost of the legal aid applied for.

Reference to
assessment
officer

(3) The assessment officer to whom an application is referred shall consider the income, disposable capital, indebtedness, requirements of persons dependent on the applicant, and such other circumstances as he deems to be relevant that are disclosed in the application or that he ascertains after investigation, and he shall report to the area director as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for and the sum, if any, the applicant is able to contribute towards the cost thereof.

Function of
assessment
officer

(4) Every assessment officer is in the performance of his duties under this Act a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*.

Oaths

R.S.O. 1960,
c. 59

When
certificate
may issue

- (5) Subject to subsections 2 and 6 and whether or not a provisional certificate has been issued, the area director may issue a certificate only when he has received the report of the assessment officer and only where in the opinion of the area director the issue of a certificate is justified.

Provisional
certificate
in excep-
tional cases

- (6) Where in the opinion of the area director the circumstances of an application require the issue of a certificate immediately, he may issue a provisional certificate without having first received the report of the assessment officer.

Terms and
conditions

- (7) An area director in issuing a certificate or provisional certificate may impose such terms and conditions as he deems proper.

Cancellation

- (8) An area director may at any time cancel any certificate or provisional certificate issued by him.

Applications
of non-
residents

- (9) An application for legal aid by a person not ordinarily resident in Ontario shall be disposed of by the Director.

Appeals

- (10) An appeal lies to the area committee from the refusal of the area director to issue a certificate or from a cancellation of a certificate and a further appeal lies to the Director at the instance of the area director from the decision of the area committee allowing an appeal under this subsection.

Certificate
upon request
of court

- (11) The Director may issue a certificate to an appellant or respondent in a criminal appeal where the Supreme Court of Canada or the Court of Appeal for Ontario is of the opinion that it is desirable in the interests of justice that the appellant or respondent should be represented and has requested that counsel be appointed and the Director is satisfied that the appellant or respondent has not sufficient means to employ counsel.

Recovery of
contribu-
tions

- 17.—(1) The sum that a person is able to contribute towards the cost of legal aid given to him as set out in his certificate shall be paid by him and is a debt owing to the Law Society and may be recovered in any court of competent jurisdiction.

Charge on
sum
recovered

- (2) Where a person who has been given legal aid in any matter recovers any sum in respect of such matter under a judgment, order, settlement or otherwise,

the costs payable under this Act and the regulations are a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund.

- (3) Where a person who has been given legal aid in any matter recovers property other than money, the Law Society has a charge against the property so recovered for the costs payable under this Act and the regulations and may enforce such charge. Charge on property recovered

- (4) A person who has been given legal aid in any matter shall be refunded any money received or recovered by the Fund for costs in excess of such costs. Refunds

18. Any costs paid or payable to a person to whom legal aid has been given under this Act are the property of the Law Society and shall be paid into the Fund. Disposition of costs

8. Section 21 of *The Legal Aid Act, 1966* is repealed and the following substituted therefor: 1966, c. 80, s. 21, re-enacted

21. Every barrister and solicitor who provides professional services under this Act shall be paid out of the Fund an amount equal to three-fourths of the fees for services rendered as determined by the regulations and an amount equal to his proper out-of-pocket disbursements in the matter in which legal aid was given. Payment for professional services

9. Subsection 1 of section 22 of *The Legal Aid Act, 1966* is amended by inserting after "solicitor" in the second line "or student" and by inserting after "payment" in the third line "or other benefit", so that the subsection shall read as follows: 1966, c. 80, s. 22, subs. 1, amended

- (1) Except in accordance with this Act and the regulations, no barrister and solicitor or student shall take or receive any payment or other benefit in respect of any professional services provided by him under this Act or the regulations. Authorized payments only

10. *The Legal Aid Act, 1966* is amended by adding thereto the following section: 1966, c. 80, amended

- 23a. All communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, on the one hand, and an applicant for or a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications. Privileged communications

1966, c. 80,
s. 24, subs. 1,
cl. a,
amended

11.—(1) Clause *a* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out “duties” in the first line and inserting in lieu thereof “functions”, so that the clause shall read as follows:

- (a) prescribing the functions of the Director, the area directors and other persons employed for the purposes of this Act.

1966, c. 80,
s. 24, subs. 1,
cl. e,
amended

(2) Clause *e* of subsection 1 of the said section 24 is amended by striking out “area legal aid” in the first line, so that the clause shall read as follows:

- (e) providing for committees, their composition and organization, and prescribing their functions.

1966, c. 80,
s. 24, subs. 1,
amended

(3) Subsection 1 of the said section 24 is amended by adding thereto the following clause:

- (fa) respecting the participation of students in legal aid.

1966, c. 80,
s. 24, subs. 1,
cl. l,
re-enacted

(4) Clause *l* of subsection 1 of the said section 24 is repealed and the following substituted therefor:

- (l) prescribing oaths of office and secrecy and requiring persons, or any class thereof, engaged in the administration of this Act to take and subscribe such oaths or either of them;
- (la) respecting the non-disclosure of information furnished by or about an applicant for or recipient of legal aid;
- (lb) providing for the settlement, recovery and payment into the Fund of costs and other moneys due to the Fund.

1966, c. 80,
s. 24,
amended

(5) The said section 24 is amended by adding thereto the following subsection:

Application
of regulation

- (3) A regulation may be limited in its scope and may be retroactive in its operation.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Legal Aid Amendment Act, 1968-69*.

An Act to amend
The Legal Aid Act, 1966

1st Reading

April 17th, 1969

2nd Reading

April 30th, 1969

3rd Reading

June 27th, 1969

MR. WISHART

BILL 125

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Regulations Act

MR. WISHART

EXPLANATORY NOTE

The Bill implements the recommendation of the Royal Commission Inquiry into Civil Rights for a committee of the Legislature to scrutinize regulations.

BILL 125

1968-69

An Act to amend The Regulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regulations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 349, amended

12.—(1) At the commencement of each Legislature, a special committee of the Assembly shall be appointed for the duration of the Legislature, to be known as the Special Committee on Regulations, with authority to sit throughout each session of the Assembly. Special Committee on Regulations

(2) Every regulation stands permanently referred to the Special Committee on Regulations for the purposes of subsection 3. Regulations referred

(3) The Special Committee on Regulations shall examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power but without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, and shall deal with such other matters as are referred to it from time to time by the Assembly. Terms of reference

(4) The Special Committee on Regulations may examine any member of the Executive Council or any public servant designated by him respecting any regulation made under an Act that is under his administration. Authority to call persons

(5) The Special Committee on Regulations shall, from time to time, report to the Assembly its observations, opinions and recommendations. Report

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Regulations Amendment Act, 1968-69*. Short title

An Act to amend
The Regulations Act

1st Reading

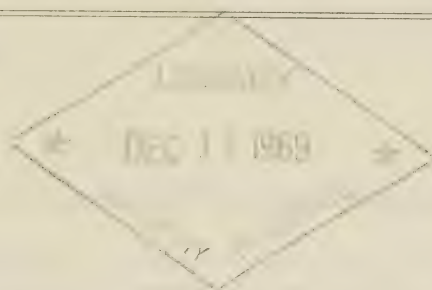
April 17th, 1969

2nd Reading

3rd Reading

MR. WISHART

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Regulations Act

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill implements the recommendation of the Royal Commission Inquiry into Civil Rights for a committee of the Legislature to scrutinize regulations.

BILL 125

1968-69

An Act to amend The Regulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regulations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 349,
amended

- (1) At the commencement of each session of the Legislature a standing committee of the Assembly shall be appointed, to be known as the Standing Committee on Regulations, with authority to sit during the session. Standing
Committee
on
Regulations
- (2) Every regulation stands permanently referred to the Standing Committee on Regulations for the purposes of subsection 3. Regulations
referred
- (3) The Standing Committee on Regulations shall examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power but without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, and shall deal with such other matters as are referred to it from time to time by the Assembly. Terms of
reference
- (4) The Standing Committee on Regulations may examine any member of the Executive Council or any public servant designated by him respecting any regulation made under an Act that is under his administration. Authority
to call
persons
- (5) The Standing Committee on Regulations shall, from time to time, report to the Assembly its observations, opinions and recommendations. Report

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Regulations Amendment Act, 1968-69*. Short title

An Act to amend
The Regulations Act

1st Reading

April 17th, 1969

2nd Reading

May 2nd, 1969

3rd Reading

MR. WISHART

(Reprinted as amended by the Committee of
the Whole House)

BILL 125

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Regulations Act

MR. WISHART

BILL 125

1968-69

An Act to amend The Regulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regulations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 349, amended

- (1) At the commencement of each session of the Legislature a standing committee of the Assembly shall be appointed, to be known as the Standing Committee on Regulations, with authority to sit during the session. Standing Committee on Regulations
- (2) Every regulation stands permanently referred to the Standing Committee on Regulations for the purposes of subsection 3. Regulations referred
- (3) The Standing Committee on Regulations shall examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power but without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, and shall deal with such other matters as are referred to it from time to time by the Assembly. Terms of reference
- (4) The Standing Committee on Regulations may examine any member of the Executive Council or any public servant designated by him respecting any regulation made under an Act that is under his administration. Authority to call persons
- (5) The Standing Committee on Regulations shall, from time to time, report to the Assembly its observations, opinions and recommendations. Report

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Regulations Amendment Act, 1968-69*. Short title

1st Reading

April 17th, 1969

2nd Reading

May 2nd, 1969

3rd Reading

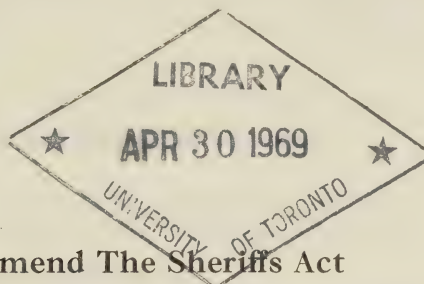
November 26th, 1969

MR. WISHART



BILL 126

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Sheriffs Act**

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Bill provides a method of disposing of old records in sheriffs' offices.

BILL 126

1968-69

An Act to amend The Sheriffs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Sheriffs Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 371,
amended

24a. The books referred to in section 13 and all other books, records, processes and documents not pertaining solely to the administration of the staff and management of the office shall be retained by the sheriff for a period of at least twenty years after such books, records, processes and documents cease to be in current use and thereafter may be disposed of in the manner provided in section 3 of *The Archives Act*. Disposal
of records

R.S.O. 1960,
c. 21

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Sheriffs Amendment Act*, Short title
1968-69.

An Act to amend
The Sheriffs Act

1st Reading

April 17th, 1969

2nd Reading

3rd Reading

MR. WISHART

BILL 126

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Sheriffs Act

MR. WISHART

BILL 126

1968-69

An Act to amend The Sheriffs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Sheriffs Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 371,
amended

24a. The books referred to in section 13 and all other books, records, processes and documents not pertaining solely to the administration of the staff and management of the office shall be retained by the sheriff for a period of at least twenty years after such books, records, processes and documents cease to be in current use and thereafter may be disposed of in the manner provided in section 3 of *The Archives Act*. Disposal
of records

R.S.O. 1960,
c. 21

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Sheriffs Amendment Act, 1968-69*. Short title

An Act to amend
The Sheriffs Act

1st Reading

April 17th, 1969

2nd Reading

May 2nd, 1969

3rd Reading

October 31st, 1969

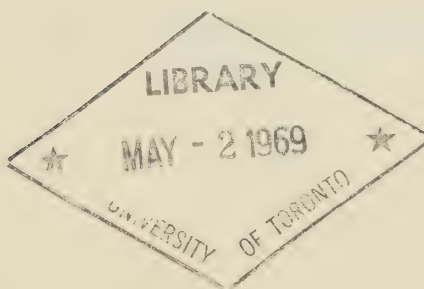
MR. WISHART

BILL 127

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Surrogate Courts Act

MR. WISHART



EXPLANATORY NOTE

At present, the registrar is required to prepare the papers for probate and succession duty purposes where the estate is less than \$400. This amount was fixed in 1912 and is now increased to \$1,000.

BILL 127

1968-69

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 74 of *The Surrogate Courts Act* ^{R.S.O. 1960, c. 388, s. 74,} is amended by striking out "~~\$400~~" in the third line and insert- ^{subs. 1,} ^{amended} ing in lieu thereof "\$1,000", so that the subsection shall read as follows:

- (1) Where letters probate, letters of administration or ^{Fees where} letters of guardianship are sought and the whole ^{estate does} property of the deceased or of the ward does not ^{not exceed} exceed in value \$1,000, the registrar shall prepare the necessary papers leading to the grant sought, including all papers and proofs required by *The Succession Duty Act*, and the bond, if any, and he shall administer the necessary oaths, and the total amount to be charged to the applicant for all the proceedings and services shall be \$2. ^{\$1,000} ^{R.S.O. 1960, c. 386}

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Surrogate Courts Amend-* ^{Short title} *ment Act, 1968-69.*

An Act to amend
The Surrogate Courts Act

1st Reading

April 17th, 1969

2nd Reading

3rd Reading

MR. WISHART

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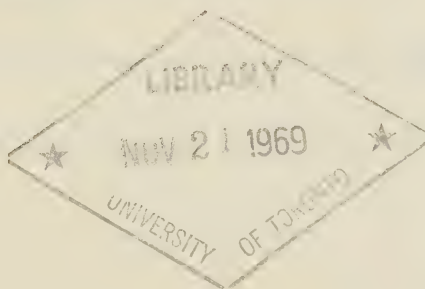
BILL 127

Revised
Editions

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Surrogate Courts Act

MR. WISHART



BILL 127

1968-69

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 74 of *The Surrogate Courts Act* is amended by striking out "\$400" in the third line and inserting in lieu thereof "\$1,000", so that the subsection shall read as follows: R.S.O. 1960, c. 388, s. 74, subs. 1, amended

- (1) Where letters probate, letters of administration or letters of guardianship are sought and the whole property of the deceased or of the ward does not exceed in value \$1,000, the registrar shall prepare the necessary papers leading to the grant sought, including all papers and proofs required by *The Succession Duty Act*, and the bond, if any, and he shall administer the necessary oaths, and the total amount to be charged to the applicant for all the proceedings and services shall be \$2. Fees where estate does not exceed \$1,000 R.S.O. 1960, c. 386

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1968-69*. Short title

An Act to amend
The Surrogate Courts Act

1st Reading

April 17th, 1969

2nd Reading

May 2nd, 1969

3rd Reading

October 31st, 1969

MR. WISHART

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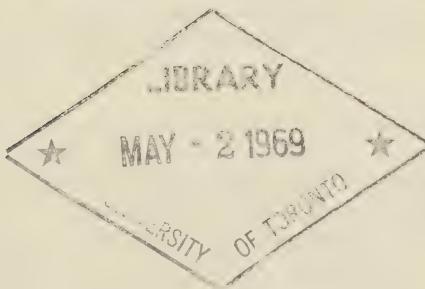
Government
Publications

BILL 128

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Trustee Act

MR. WISHART



EXPLANATORY NOTES

SECTION 1. The amendment deletes the requirement for Supreme Court approval for the investment of trust moneys in certain classes of securities.

SECTION 2. The amendment increases the amounts of trust moneys that may be invested in mortgages from two-thirds of the value of the property to three-quarters of the value of the property.

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Trustee Act* is amended by striking out "the Supreme Court may, if it thinks fit, by order authorize" in the second and third lines and by striking out "to" in the third line and inserting in lieu thereof "may", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 408, s. 27,
subs. 1,
amended

- (1) In addition to the investments authorized by section 26, a trustee holding trust money for investment may invest such moneys in the following classes of investments, but only if the investment is in other respects reasonable and proper and is made in accordance with subsections 2, 3 and 4,

Other
investments
authorized

2.—(1) Subsection 1 of section 30 of *The Trustee Act*, as amended by subsection 1 of section 1 of *The Trustee Amendment Act, 1961-62*, is further amended by striking out "two-thirds" in the amendment of 1961-62 and inserting in lieu thereof "three-fourths", so that the subsection shall read as follows:

R.S.O. 1960,
c. 408, s. 30,
subs. 1,
amended

- (1) A trustee lending money upon the security of any property upon which he may lawfully lend is not chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator

When
trustee not
chargeable
for lending;
on insuffi-
cient
security

carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed three-fourths of the value of the property as stated in the report and that it was made under the advice of the valuator expressed in the report.

R.S.O. 1960,
c. 408, s. 30,
subs. 2
(1961-62,
c. 140, s. 1,
subs. 2),
amended

(2) Subsection 2 of the said section 30, as enacted by subsection 2 of section 1 of *The Trustee Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fifth and sixth lines and inserting in lieu thereof "three-fourths", so that the subsection shall read as follows:

on N.H.A.
mortgages

1953-54,
c. 23 (Can.)

(2) Notwithstanding subsection 1, a trustee lending money on a mortgage security, if the loan is an insured loan under the *National Housing Act, 1954* (Canada), is not chargeable with breach of trust by reason only that the amount of the loan exceeds three-fourths of the value of the property mortgaged.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Trustee Amendment Act, 1968-69*.

An Act to amend
The Trustee Act

1st Reading

April 17th, 1969

2nd Reading

3rd Reading

MR. WISHART

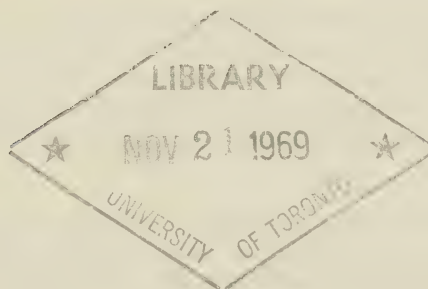
BILL 128

Government
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Trustee Act

MR. WISHART



BILL 128

1968-69

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Trustee Act* is amended R.S.O. 1960, c. 408, s. 27, subs. 1, amended by striking out "the Supreme Court may, if it thinks fit, by order authorize" in the second and third lines and by striking out "to" in the third line and inserting in lieu thereof "may", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) In addition to the investments authorized by section 26, a trustee holding trust money for investment Other investments authorized may invest such moneys in the following classes of investments, but only if the investment is in other respects reasonable and proper and is made in accordance with subsections 2, 3 and 4,

.

2.—(1) Subsection 1 of section 30 of *The Trustee Act*, as R.S.O. 1960, c. 408, s. 30, subs. 1, amended amended by subsection 1 of section 1 of *The Trustee Amendment Act, 1961-62*, is further amended by striking out "two-thirds" in the amendment of 1961-62 and inserting in lieu thereof "three-fourths", so that the subsection shall read as follows:

- (1) A trustee lending money upon the security of any When trustee not chargeable for lending; on insufficient security property upon which he may lawfully lend is not chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator

carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed three-fourths of the value of the property as stated in the report and that it was made under the advice of the valuator expressed in the report.

R.S.O. 1960,
c. 408, s. 30,
subs. 2
(1961-62,
c. 140, s. 1,
subs. 2),
amended

(2) Subsection 2 of the said section 30, as enacted by subsection 2 of section 1 of *The Trustee Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fifth and sixth lines and inserting in lieu thereof "three-fourths", so that the subsection shall read as follows:

on N.H.A.
mortgages

(2) Notwithstanding subsection 1, a trustee lending money on a mortgage security, if the loan is an insured loan under the *National Housing Act, 1954* (Canada), is not chargeable with breach of trust by reason only that the amount of the loan exceeds three-fourths of the value of the property mortgaged.

1953-54,
c. 23 (Can.)

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Trustee Amendment Act, 1968-69*.

An Act to amend
The Trustee Act

1st Reading

April 17th, 1969

2nd Reading

May 2nd, 1969

3rd Reading

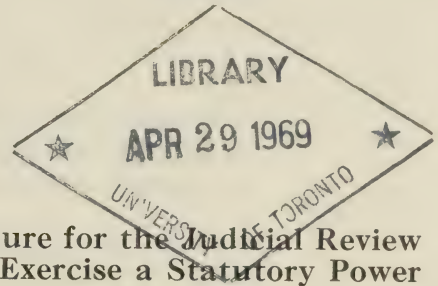
October 31st, 1969

MR. WISHART

BILL 129

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



**An Act to provide a Single Procedure for the Judicial Review
of the Exercise or the Failure to Exercise a Statutory Power**

MR. WISHART

EXPLANATORY NOTE

This new Act is designed to provide a single procedure for judicial review of the exercise or the failure to exercise a statutory power by a tribunal, thus avoiding the difficulties, delays and expense involved when the present extraordinary remedies are used.

BILL 129

1968-69

An Act to provide a Single Procedure for the Judicial Review of the Exercise or the Failure to Exercise a Statutory Power

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "court" means Supreme Court;
- (b) "statutory power" means an administrative, quasi-judicial or judicial power conferred by an Act of the Legislature upon a tribunal;
- (c) "tribunal" means one or more persons, whether or not incorporated and however described, who may exercise an administrative, quasi-judicial or judicial power conferred by the Legislature whereby any right, duty or privilege of any person may be affected, but does not include a court of record or a coroner's inquest.

2. Notwithstanding any right of appeal, any person who could but for this Act have applied for relief in the form of,

Applications
for review

- (a) an order in the nature of mandamus, prohibition or certiorari;
- (b) a declaratory judgment;
- (c) an injunction; or
- (d) any additional or ancillary relief in and of a writ of habeas corpus,

in respect of the exercise, refusal to exercise, proposed exercise or purported exercise of a statutory power may apply to the court for review, and the court, subject to section 5, may refuse to grant any relief or may grant such relief as it deems appropriate in the circumstances.

Nature of
application

3. An application under section 2 shall be by way of originating notice of motion returnable in court in the manner prescribed by the rules of practice and procedure of the court.

Service on
Minister

4. Notice of an application made under section 2 shall be served upon the Minister of Justice and Attorney General who is entitled as of right to be heard in person or by counsel.

Where
relief not
to be
granted

5. No relief shall be granted under section 2 where the basis of the application is a defect in form or a technical irregularity and where no substantial wrong or miscarriage of justice has occurred.

Extension
of time for
review

6. Notwithstanding any other Act, the court has power, at any time, to extend the time for review on whatever terms it deems just, where it is satisfied that,

(a) there are prima facie grounds for review; and

(b) no prejudice or hardship will result to any party affected by reason of the delay.

Commence-
ment of
application

7. An application for review under this Act may be commenced before, during or after the exercise, refusal to exercise, proposed exercise or purported exercise of the statutory power.

Interim
orders

8. Where an application has been made under section 2, the court may, by interim order, make such orders as it deems proper until the final determination of the proceedings.

Evidence
on the
record

9. The court, on an application under this Act where the grounds for review are error of law on the face of the record or absence of substantial evidence, shall be confined in its determination to the record of proceedings before the tribunal.

Evidence
outside the
record

10. Subject to section 9, the court, on an application for review, may, in addition to the record of proceedings before the tribunal, consider any other evidence that it deems relevant to the issue.

Tribunals
may be
sued in
own name

11. For the purposes of an application under this Act, any tribunal that exercises a statutory power shall be deemed to be capable of suing and being sued in its own name.

Appeal

12.—(1) An appeal lies to the Court of Appeal from the final order disposing of an application of this Act with leave of the Court of Appeal.

Idem

(2) The rules of practice and procedure of the court apply to an appeal and the leave mentioned in subsection 1.

13. Nothing in this Act shall be deemed to affect any relief ^{Existing remedies not affected} existing when this Act comes into force with respect to the extraordinary remedies mentioned in section 2.

14. This Act comes into force on a day to be named by the ^{Commence-}Lieutenant Governor by his proclamation.
ment

15. This Act may be cited as *The Statutory Powers Judicial* ^{Short title}
Review Act, 1968-69.

An Act to provide a Single Procedure for
the Judicial Review of the Exercise or the
Failure to Exercise a Statutory Power

1st Reading

April 17th, 1969

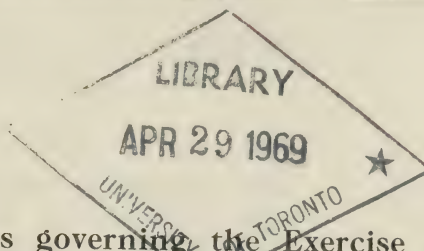
2nd Reading

3rd Reading

MR. WISHART

BILL 130

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to provide Procedures governing the Exercise of
Statutory Power granted to Tribunals by the Legislature
wherein the Rights, Duties or Privileges of Persons are to be
decided at or following a Hearing

Mr. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

This Bill implements certain of the recommendations of the McRuer Report.

It is designed to bring about a maximum degree of uniformity in the practices and procedures applicable to hearings that "tribunals" (as defined in section 1) are required to hold under their respective Acts.

The Bill sets out certain rules of a general nature that apply to all tribunals in all cases (sections 2-15). The Bill then establishes a special rules committee along the lines of the rules committee that has functioned for many years under *The Judicature Act* and authorizes it, subject to the approval of the Lieutenant Governor in Council, to make additional rules of practice and procedure which may be made applicable to any one or more tribunals or any class thereof (sections 16-19).

BILL 130

1968-69

An Act to provide Procedures governing the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "committee" means the Statutory Powers Procedure Rules Committee;
- (b) "tribunal" means one or more persons, whether or not incorporated and however described, who may exercise an administrative, quasi-judicial or judicial power conferred by the Legislature, whereby any right, duty or privilege of any person may be decided at or following a hearing, but does not include a court of record or a coroner's inquest.

STATUTORY RULES OF PROCEDURE

2.—(1) Where a hearing is to be held by a tribunal, it shall serve or cause to be served notice of the hearing on each party at least ten days before the day fixed for the hearing.

Notice of
hearing

(2) The notice shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the party at his last known address.

Service of
notice

(3) The notice shall contain,

Contents of
notice

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;

(c) a reference to the rules of procedure applicable to the hearing;

(d) a concise statement of the issues; and

(e) a statement that if a party who has been duly notified does not attend at the hearing, the tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Failure to attend

3. If a party who has been duly notified of a hearing does not attend, the tribunal may proceed in his absence.

Adjournment

4. A hearing may be adjourned from time to time by a tribunal on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the proceedings.

Subpoenas

5. A tribunal may in the prescribed form command the attendance before it of any person as a witness.

Oaths

6.—(1) A tribunal may require any person,

(a) to give evidence on oath at a hearing; and

(b) to produce such documents and things which the tribunal may require.

Idem

(2) A tribunal may admit evidence not given under oath.

Offences

7.—(1) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before a tribunal, makes default in attending; or

(b) being in attendance as a witness before a tribunal, refuses to take an oath legally required by the tribunal to be taken, or to produce any document or thing in his power or control legally required by the tribunal to be produced by him, or to answer any question to which the tribunal may legally require an answer; or

(c) does any other thing that would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

(2) A tribunal may certify an offence under subsection 1 ^{Enforcement} to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

8. Any party may be represented before a tribunal by ^{Right of party to counsel} counsel or agent.

9.—(1) Any witness may be represented before a tribunal ^{Right of witness to counsel} by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

(2) Where a hearing is *in camera*, a counsel or agent for a ^{Exclusion of counsel} witness shall be excluded except when that witness is giving evidence.

10. At a hearing before a tribunal, any party may call and ^{Rights of parties at hearing} examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

11.—(1) All hearings shall be open to the public except ^{Hearings to be open to public; exceptions} where the tribunal finds that,

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* ^{Idem} and *b* of subsection 1, a tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

12.—(1) At a hearing before a tribunal, ^{Evidence}

(a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the tribunal in its discretion if to do so may expedite the hearing and will not prejudice any party; and

- (c) the tribunal may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.
- Release of exhibits (2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the tribunal within a reasonable time after the matter in issue has been finally determined.
- Specialized knowledge **13.**—(1) A tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.
- Notice (2) A tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.
- Contents and service of notice (3) A notice containing a statement of such facts or information shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to each party at his last known address.
- Decision to be in writing **14.**—(1) The final decision of a tribunal, including the reasons therefor, shall be in writing.
- Contents of reasons for decision (2) The reasons for the final decision shall contain,
- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
 - (b) any agreed findings of facts; and
 - (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.
- Notice of decision (3) The tribunal shall send by registered mail addressed to the parties at their last known addresses, a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal, if any.
- Enforcement of decisions **15.** A certified copy of the final decision of a tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

RULES COMMITTEE

Statutory
Powers
Procedure
Rules
Committee,
composition

16.—(1) There shall be a committee to be known as the Statutory Powers Procedure Rules Committee composed of,

(a) The Minister of Justice and Attorney General of Ontario, who shall be the chairman of the committee, but in his absence or at his request his nominee shall preside;

(b) nine or more permanent members as follows:

1. The Chief Justice of Ontario or his nominee.
2. The Chief Justice of the High Court of Justice for Ontario or his nominee.
3. The Chief County Court Judge for Ontario or his nominee.
4. The Chairman of the Ontario Law Reform Commission or his nominee.
5. One or more representatives of the Department of Justice who shall be appointed by the Minister of Justice and Attorney General.
6. A representative of The Law Society of Upper Canada who shall be appointed by the Benchers thereof.
7. A professor of administrative law on the law faculty of a university in Ontario who shall be appointed by the Minister of Justice and Attorney General.
8. Two persons who are not barristers and solicitors, who shall be appointed by the Lieutenant Governor in Council.

(2) A majority of the members of the committee constitutes *Quorum* a quorum.

(3) The chairman of the committee may at any time, and *Meetings* upon the written request of any three members shall, direct the secretary to call a meeting of the committee at such time and place as the chairman determines.

17. A secretary to the committee shall be appointed under *Secretary*
The Public Service Act, 1961-62. 1961-62,
c. 121

18. The committee shall at the close of each calendar year *Annual*
prepare a report on the affairs of the committee and the *report*
Minister of Justice and Attorney General shall submit the
report to the Lieutenant Governor in Council and then lay
the report before the Assembly, if it is in session, or, if not, at
the next ensuing session.

Additional
rules of
practice and
procedure

19.—(1) Subject to the approval of the Lieutenant Governor in Council, the committee may make rules of practice and procedure applicable to,

(a) one or more tribunals or any class thereof;

R.S.O. 1960,
c. 323

(b) any inquiry held pursuant to *The Public Inquiries Act*; or

(c) any investigation or inquiry held pursuant to any other Act where the person holding the investigation or inquiry has and may exercise the powers that may be conferred upon a commissioner under *The Public Inquiries Act*,

so long as such rules are not contrary to the provisions of this Act and whether or not such rules are contrary to the provisions of any other Act, regulation, by-law or rule.

Publication
of
decisions

(2) Subject to the approval of the Lieutenant Governor in Council, the committee may make rules respecting the reporting, editing and publication of the decisions of any one or more tribunals or any class thereof.

MISCELLANEOUS

Conflict

20. Notwithstanding any provision of any other Act, where there is conflict between a provision of any other Act, regulation, by-law or rule and a provision of this Act or of a rule made under this Act, the provision of this Act or of a rule made under this Act prevails.

Transitional
provision

21. This Act applies only in the case of hearings where the day fixed for the hearing is thirty or more days after the day on which this Act comes into force.

Commence-
ment

22. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

23. This Act may be cited as *The Statutory Powers Procedure Act, 1968-69*.

An Act to provide Procedures governing the Exercise of Statutory Power granted to Tribunals by the Legislature wherein the Rights, Duties or Privileges of Persons are to be decided at or following a Hearing

1st Reading

April 17th, 1969

2nd Reading

3rd Reading

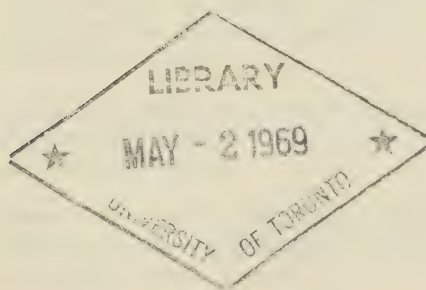
MR. WISHART

BILL 131

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Law Enforcement Compensation Act, 1967**

MR. WISHART



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Bill extends the circumstances where compensation is payable to those set out in section 2 of the Bill.

BILL 131

1968-69

**An Act to amend
The Law Enforcement Compensation Act, 1967**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Law Enforcement Compensation Act*, 1967, c. 45, s. 1, amended
1967 is amended by adding thereto the following clause:

(ca) "peace officer" means a peace officer as defined in the *Criminal Code* (Canada).
1953-54, c. 51 (Can.)

2. Subsection 1 of section 3 of *The Law Enforcement Compensation Act*, 1967 is repealed and the following substituted therefor:
1967, c. 45, s. 3, subs. 1, re-enacted

(1) Where any person is injured or killed by any act or omission of any other person occurring in or resulting directly from, ^{Injuries compensable}

(a) the commission of an offence against any statute of Canada or Ontario, not including an offence involving the use or operation of a motor vehicle as defined in *The Highway Traffic Act* but including assault by means of such motor vehicle;
R.S.O. 1960, c. 172

(b) lawfully arresting or attempting to arrest an offender or suspected offender, or assisting a peace officer therein;

(c) preventing or attempting to prevent the commission of a crime or suspected crime, or assisting a peace officer therein,

the Board may, on application therefor and after a hearing, make an order in its discretion exercised in accordance with this Act for the payment of compensation and the decision of the Board is final and conclusive for all purposes.

1967, c. 45,
s. 10,
amended

3. Section 10 of *The Law Enforcement Compensation Act, 1967* is amended by adding thereto the following subsection:

Application
of subss.
1 and 2

(3) Subsections 1 and 2 do not apply where the victim's injury was incurred while assisting a peace officer.

Application

4. This Act applies in respect of claims for compensation arising from an injury or death occurring after this Act comes into force.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Law Enforcement Compensation Amendment Act, 1968-69*.

An Act to amend The Law Enforcement
Compensation Act, 1967

1st Reading

April 17th, 1969

2nd Reading

3rd Reading

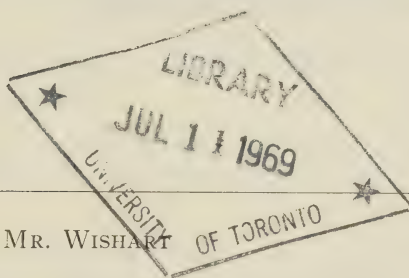
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BILL 131

Government
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

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MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

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4. This Act applies in respect of claims for compensation arising from an injury or death occurring after this Act comes into force.

Commence-
ment

 **5.**—(1) This Act shall be deemed to have come into force on the 1st day of April, 1968.

Extension of
limitation
period
1967, c. 45

(2) Notwithstanding section 6 of *The Law Enforcement Compensation Act, 1967*, an application in respect of a death or injury occurring after the 1st day of April, 1968 and before the 1st day of September, 1968, may be made to the Law Enforcement Compensation Board before the 1st day of September, 1969. 

Short title

6. This Act may be cited as *The Law Enforcement Compensation Amendment Act, 1968-69*.

An Act to amend The Law Enforcement
Compensation Act, 1967

1st Reading

April 17th, 1969

2nd Reading

May 12th, 1969

3rd Reading

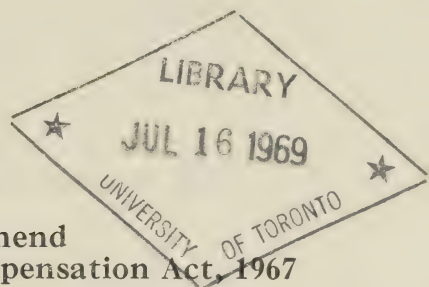
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*(Reprinted as amended by
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BILL 131

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Law Enforcement Compensation Act, 1967

MR. WISHART

BILL 131

1968-69

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1st Reading

April 17th, 1969

2nd Reading

May 12th, 1969

3rd Reading

June 27th, 1969

MR. WISHART



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